FILE DESCRIPTION

BUREAU FILE

SUBJECT MALCOLM X LITTLE

FILE NO. NY 105-8999-A, B, C

FILE DESCRIPTION

BUREAU FILE

SUBJECT MALCOLM X LITTLE

FILE NO. NY 105-8999-A

(January 1965)

6 Pages

NY 43 (REV. 9/22/59)

PHYSICAL SURVEILLANCE LOG

SUBJECT: Malcolm K. Little CODE #: _____

DATE: 1/21/65 SHIFT: _____

AGENTS ON DUTY: [redacted] b7C TEAM: _____

[redacted]

SYNOPSIS

OBSERVED:
NOT OBSERVED:
CONTACT MADE:
MEMO PREPARED:
UNUSUAL ACTIVITY:
INDEXING NEEDED: YES ( ) NO (✓)
CASE AGENT: [redacted] b7C FILE #: 105-8999

(FOR CASE AGENT ONLY)

UNUSUAL OR SIGNIFICANT CONTACTS AND LOCATIONS

NAME ADDRESS TIME

CHANNELIZATION MEMO PREPARED: _____ (INITIALS)

NO CHANNELIZATION NECESSARY ✓ (INITIALS)

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Observation of Malcolm K. Little on 1/21/65

9:11 a.m. Surveillance instituted vicinity of 23-11 97th St., East Elmhurst, Queens, N.Y. [redacted] b7c

7:25 a.m. Subject departed residence walked to corner of 97th St. and 23rd Ave., and entered "Mel's Stationary store, 97-02 23rd Ave., East Elmhurst, Queens. [redacted] b7c

9:30 a.m. Departed store carrying newspapers and entered residence [redacted] b7c

1:15 p.m. Subject [redacted] departed residence with two children (girls) and walked south on 97th St. [redacted] b7c

1:22 p.m. Subject departed residence and entered car [redacted] b7c [redacted] b7c, and drove to Harlem by proceeding west on 23rd Ave. to 94th St., north on 94th St. to Grand Central Parkway, west on GCP on Tri-borough bridge to 125th St., west on 125th St. in Harlem. [redacted]

1:42 p.m. Parked car in vicinity of 75 W. 125th St., Nyc. (Family entered Corn Federal Savings Bank at this address). [redacted] b7c

1:47 p.m. Returned to car and drove west on 125th St. to 7th Ave., north on 7th Ave. [redacted] b7c

1:50 p.m. Parked car on west side of 7th Ave. south of 130th St. and entered Hotel Theresa, 200 7th Ave., Nyc. [redacted] b7c

1:58 p.m. Subject departed hotel, placed money in parking meter at his car and returned to hotel. [redacted] b7c

3:03pm Surveillance discontinued. [redacted] b7C

[redacted] b7C

NY 43 (REV. 9/22/59)

PHYSICAL SURVEILLANCE LOG

SUBJECT: Malcolm K. Little CODE #: _____

DATE: 1/20/65 SHIFT: _____

AGENTS ON DUTY: [redacted] b7C TEAM: _____

SYNOPSIS

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MEMO PREPARED:
UNUSUAL ACTIVITY:
INDEXING NEEDED: YES ( ) NO ( )
CASE AGENT: [redacted] b7C FILE #: 105-8999

(FOR CASE AGENT ONLY)

UNUSUAL OR SIGNIFICANT CONTACTS AND LOCATIONS

NAME ADDRESS TIME

[redacted] b7C

CHANNELIZATION MEMO PREPARED: _____ (INITIALS)

NO CHANNELIZATION NECESSARY ✓ (INITIALS)

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Observation of Malcolm K. Little on

1/20/65

9:07 am Surveillance instituted vicinity of 23-11 97th St, East Elmhurst, Queens NY [redacted] b7C
(Subject's car 1963 midnight blue Oldsmobile, 4 door, NY license 1G-2220, parked around corner on 23rd Ave, west of 97th St.)

1:03 pm Subject's car with one unknown occupant observed crossing 97th St. traveling east on 23rd Ave. Vehicle not observed thereafter. [redacted] b7C

2:02 pm Unknown Negro female, [redacted] b7C
departed residence and entered [redacted] b7C driven by unknown Negro male. Drove north on 97th St and turned west on 23rd Ave. [redacted] b7C

2:35 pm Surveillance discontinued. [redacted] b7C

3:02 pm Surveillance instituted vicinity of Hotel Theresa, 2090 7th Ave (at 125th St.), NYC. Subject's car parked on east side of 7th Ave, ½ block south of 125th St. [redacted] b7C

Subject departed Hotel Theresa, walked to car. Drove north on 7th Ave to 130th St, turned east

on 135th St. and parked on north side of W. 135th St.,
opposite "22 West" restaurant, 22 W. 135th, NYC. [redacted] b7C

4:08 p.m. Subject entered "22 West" restaurant.

6:50 p.m. Surveillance discontinued. Subject's car still parked
at above spot. [redacted] b7C

[redacted] b7C

FILE DESCRIPTION

BUREAU FILE

SUBJECT MALCOLM X LITTLE

FILE NO. NY 105-8999-B (newspaper clippings)

SECTION 1

SERIALS 1-90

(July 1965 - February 1966)

The Legacy of Malcolm X

Just how strong are the Black Muslims today? Where and how do these bitterly anti-white get their recruits? A reporter who toured Muslim strongholds in major U.S. cities provides the answers in this second article of a series.

By LESLIE H. WHITTEN
Hearst Headline Service Exclusive to The Journal-American

MALCOLM X, with his promotion man mixture of outrage, tactical genius and bitter charm put the Black Muslims painfully in the public eye.

Where do they stand now, a year after his death?

With Malcolm, it often seemed that "any publicity was good publicity," and growing membership totals reflected this. No one has taken the place of this outspoken national figure, and this is also reflected—in almost stagnant membership.

Neither Elijah Muhammad nor other Muslim leaders in our talks with them would estimate how large the "Nation of Islam" is. Others have judged from 250,000 down to 5,000.

Based on talks with law enforcement men, particularly in Chicago where the sect has its headquarters, and with a variety of government and Negro leaders, the figure of 6,000 seems sound.

This is a slight increase since Malcolm split with the aging Elijah two years ago. The number of mosques also is creeping upward. Now there are just over 40 with another 50 "unnumbered mosques" throughout the country, some with as few as 10 members meeting once every two months.

A year ago, there were 39 mosques and slightly over 30 of the "unnumbered" temples, often just a meeting hall rented for a night. When Malcolm came to the movement in 1954, there were less than half this number in active operation.

Fifty per cent of the membership is in six cities with large Negro ghettos, where despair and poverty combine with the religious zeal of the Negro's Southern past to make the Nation of Islam acceptable despite its bizarre doctrine.

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N.Y. Journal American
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These cities are Chicago, Detroit, New York, Washington, Philadelphia and Los Angeles. In New York the rupture of Malcolm and his teacher threatened the mosque for a while, but like the other five cities its Muslim worshipers still total more than 300.

Minister Lonnie Shabazz of Washington, a quick-witted graduate of Atlanta University, told us recruitment was going well in the rural South, but outside evidence indicated that in the South, too, Muslim concentration is in the cities, not in small towns or farm areas.

ATLANTA, Birmingham, San Antonio, Lynchburg, Va., Monroe, La., and other Southern cities have mosques or smaller gatherings. Minister Lonnie, perhaps inadvertently, pointed to one problem in Southern rural recruiting.

A member of the Nation of Islam, he told us, was selling copies of "Muhammad Speaks" the religion's newspaper, on a corner in a small Mississippi town. A white man, said the minister, simply walked up, slashed the Negro with a knife and strolled away. There was no prosecution, he claimed.

"And you didn't see it in your white papers, either," he added with just a trace of a smile.

The rural Negro is isolated and has trouble enough maintaining membership in such nationally recognized groups as the NAACP. The Black Muslims, with their strong anti-white teachings, offer an even greater danger to Southern believers.

Even without Malcolm's flamboyant recruiting, there is still a flow of members into the mosques. But the outflow of those baffled by Elijah's numerological teachings or unwilling to stick with his doctrines of no smoking, carousing, drinking or pork eating is almost equally great. One educated estimate showed 100 affiliations with the Chicago mosque in a single month with almost the same number of defectors.

In Chicago, Muslim "fighters" tried to net Chicago youth gangs on grounds that both were fighting for black supremacy. A few youngsters went into the mosques, but the overall program flopped because the gang members found the Muslim discipline too much for them.

The virulence of the Muslim's attacks on established civil rights groups has also made the sect suspect among Negroes. In a recent issue of "Muhammad Speaks," an unkind caricature of Dr. Martin Luther King is on the cover, and Elijah Muhammad's comments read:

"Where do we think we are going with an Uncle Tom who has declared himself in love with his (white) master and will work against any Negro his master is against . . . any black man preaching brotherhood for his slave-master's children needs to be sent to an insane asylum and have his brains nursed back to the knowledge of himself."

THE MUSLIMS generally applaud Rep. Adam Clayton Powell (D.-N.Y.)—"intrepid" he is called. But Rep. Powell is certainly no Muslim. And an odd contradiction occurs when in the same issue CORE, NAACP, the Urban League and SNCC are attacked — while statistics on Negro problems compiled by these very groups are heavily headlined, with full acknowledgement.

The appeal of the Black Muslims in their drive for members is that they promise to the down-trodden Negroes something they badly need: self-respect, an end to self-pity. The Muslims are neatly dressed, polite and admirably frank. They look you in the eye.

But the diatribes of anti-white sermons inside the mosque, and the explosive potential behind the politeness are what worry civil rights and law enforcement men alike.

Mosques are organized under a minister and a captain of "The Fruit of Islam." The latter are the male membership of the mosques, with the strongest of the young adults making up a sort of honor guard. They study judo and other self-defense techniques with military discipline. The women help with "Muslim girls training"—courses in cooking, sewing and other domestic endeavors.

In Chicago and Detroit, the Nation of Islam runs schools and in many cities the mosques operate restaurants, grocery stores, cleaning plants and other small enterprises. Inside the school foyer in Chicago, a bulletin board held a picture of Cassius Clay (Muhammad Ali) and a list of these stores with a legend "keep the money in the circle."

In cities without Muslim schools, or among those Muslims who cannot afford the extra tuition, Muslim students often present problems. One New York educator told this story:

"A bright 14-year-old Muslim youngster, taking to heart

his anti-white learning in the mosque, pushed his teacher to the "point of distraction." He insisted that "X" not his last name, be used, refused to work with his white fellow students and argued endlessly with other Negro boys about his religion and their Christian beliefs. When his parents got an ultimatum from the school and enforced good behavior on him, he took to carrying to each class a book on neuroticism among teachers which he displayed prominently on his desk.

The annual pow-wows for Muslims is the February convention. The 1965 one, in Chicago's ancient Coliseum, drew only 3,000 on one of its three days although there was room for 7,500. Many in the audience were non-Muslims and left during Elijah Muhammad's rambling three-hour speech.

PRISONS REMAIN a fertile field for recruiting, Federal Bureau of Prison officials say. It was at the Norfolk, Mass., prison colony that Malcolm was "fished for" and caught. A survey of 38 Black Muslims in District of Columbia penal institutions shows that 16 were Protestants, 10 were Roman Catholic, three were "uncommitted" and eight were Muslims when they came in. Thus 75 per cent were recruited in prison, where despair is an ever-present catalyst to conversion.

Federal prisons have developed, in the past year or two, a fairly uniform system of dealing with the sometimes unusual demands of Muslims, but the situation around the nation remains a crazy quilt.

Some state courts have ruled the Nation of Islam is not a religion, and there prisons need not allow Korans, special dietary consideration and ministers' visits. Other states have held it is a religion and Muslims get rights accorded other religious prisoners.

The draft laws—which sent Elijah and one son to prison and another son to a conscientious objector project—remain a touchy subject for both Muslims and the Justice Department. Elijah seeks to avoid legal trouble wherever possible and leaves defiance of draft laws up to individual choice.

The fanatic cohesion of Muslims in jails is another prison problem. In San Quentin, a Black Muslim leader was killed by a guard during a racial fight and 70 Negro inmates, many of them Muslims, staged a short work strike. Violence blamed on Muslims by authorities also has broken out at state or federal prisons in Virginia, Indiana, Georgia, Illinois and other states.

The Muslim feeling that they owe no allegiance to the American flag or most of its institutions continues to be a headache.

The New Jersey Supreme Court ruled last month that Black Muslim children need not salute the flag. The court cited a state law exempting children who have conscientious scruples against the salute. In many mosques, the American flag and the Muslim's own star and moon flag are hung up side by side, but under the U.S. flag are derogatory remarks to show it should not be respected. The Catholic War Veterans, among others, have protested the New Jersey ruling.

(Tomorrow: Inside the headquarters of the Black Muslims—an exclusive interview with "The Messenger of Allah").

WELL PROTECTED . . . At meetings of the Black Muslims—this was last year's National Convention in Chicago—leader Elijah Muhammad has a tight security as he delivers a speech. The strongest of the young adults make up a sort of honor guard. UPI Telephoto

Wife Gives Malcolm Suspect An Alibi

By James W. Sullivan
Of The Herald Tribune Staff

Norman 3X Butler, one of three Negroes accused of the assassination of Malcolm X, was at home with his injured right leg propped up when the murder occurred, his wife testified yesterday.

Mrs. Theresa 7X Butler said her husband had left their apartment at 661 Rosedale Ave., the Bronx, between 7 and 8 a. m. on Feb. 21, 1965, returned about 12:55 p. m. and didn't leave the apartment again that day.

She indicated that he had gone to a hospital for treatment of injuries to both legs suffered in a beating a month before.

Under questioning by her husband's attorney, William Chance, Mrs. Butler said he had answered a telephone call from "Sister Gloria," later identified as Gloria 11X Wills, and called her to the telephone. The call, she said, was to inform her that a radio program had just announced the assassination.

Mrs Butler said her husband also went to the kitchen to take another call for her and called her to the telephone. No outsider visited the couple and their four children in the apartment that day, she said.

Under cross-examination by Assistant District Attorney Vincent J. Dermody, Mrs Butler said she was unable to recall where she was in the apartment when the telephone calls came in. She said her husband had taken a seat on the couch and propped up one leg to ease it as soon as he returned home, then left the couch only to go to the kitchen to take the calls.

She also told Mr. Dermody that she had not informed police that her husband was home when Malcolm was killed in the Audubon Ballroom, on W. 166th St. near Broadway. The first person she told her story to was his co-counsel, Joseph B. Williams, she said.

Mrs. Butler said both her husband and Thomas 15X Johnson, 30, were lieutenants in the Black Muslims' Mosque No. 7 in Harlem. They are on trial for the murder, with Talmadge Hayer, 24, before Supreme Court Justice Charles Marks and a jury of nine men and three women.

CLIPPING FROM THE
N.Y. Herald Tribune
EDITION Late City
DATE 3/8/66
PAGE 26
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Malcolm Couldn't Use Gun

NEW YORK CITY- Malcolm X never even had a chance to draw the gold tear-gas gun that he carried with him when bullets from assassins' guns cut him down last year at the Audubon ballroom as he started to address 400 people.

Testimony at the trial of three men accused of killing the Black Nationalist leader last Feb. 21, by detective James A. Scaringe, disclosed that the pen-gun was in a leather holder in Malcolm's brown jacket.

Sitting quietly here in Judge Charles Marks Supreme Court, where the court sessions are being held daily, are the murder defendants, Norman 3X Butler, Thomas Hagan and Thomas 15X Johnson. All three men are said by police to be members of the Black Muslims sect which ousted Malcolm in March 1964, after he fell out with Muslim chief Elijah Muhammad.

Scaringe also told the 12 man jury which includes three Negroes, one of whom is the foreman, that he counted 11 bullet holes in Malcolm's jacket. He said he had been hit with bullets fired from .45 and .32 caliber pistols as well as from a 12-gauge sawed-off shotgun.

Now in its second month, the trial is proceeding under heavy police guard. Spectators include members of the Black Muslims and of the organization that Malcolm former when he left the former group.

Several witnesses, for fear of their lives, have testified for the prosecution only after the courtroom has been cleared of spectators and newsmen.

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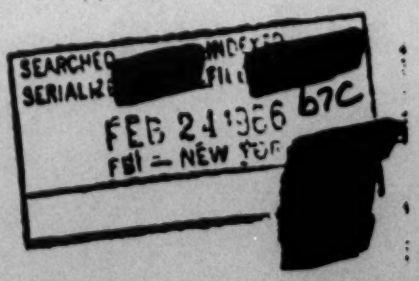

Malcolm Slayer Bearded, Defense Witness Testifies

By James W. Sullivan
Of The Herald Tribune Staff

The man who fired a sawed-off shotgun into Malcolm X was "very stout, very dark, and had a heavy beard," a defense witness testified yesterday at the trial of three men accused of assassinating the Black Nationalist leader last year.

Thomas 15X Johnson, 30, the man accused of firing the shotgun, is slender, very light of complexion and clean-shaven. On trial with him before Supreme Court Justice Charles Marks are Talmadge Hayer, 22, and Norman 3X Butler, 26.

Both of the other defendants also are slender, light-skinned, and of medium height.

The new description of the shotgun assassination came from Earl Greene, 21, who said he dropped out of the Black Muslims at the age of 17 after six years as a member of Mosque No. 7 in Harlem.

Mr. Greene was the last witness during a day that saw both defense and prosecution attempting to establish a motive for the Feb. 21, 1965, murder of Malcolm in the Audubon Ballroom.

RECORD

William Chance, attorney for Butler, drew from another witness, Charles 37X Morris, the testimony that he and Malcolm had been members of the Revolutionary African Movement and that Khaigi Sayyed, convicted in Federal Court last year for plotting to dynamite the Statue of Liberty, helped them set up Malcom's political organization, the Organization of Afro-American Unity.

Morris, who once was convicted of robbery, said he and Malcolm also knew Walter Bowe, a second man convicted in the Statue of Liberty plot. But objections by assistant

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District Attorney Vincent J. Dermody ended that line of questioning.

Mr. Dermody also succeeded in having the Revolutionary African Movement reference removed from the record. Mr. Chance later said he had meant the Revolutionary Action Movement, of which Sayyed and Bowe were members.

Mr. Dermody also lodged successful objections against Mr. Chance's queseions about meetings between Malcolm and the Communist party and Malcolm and a "Mr. Rockwell."

In his cross-examination, however, Mr. Dermody drew from Mr. Morris the statements that he had heard Malcolm referred to as a hypocrite by members of the Hallem Mosque after his defection.

Morris also said he had heard members of the mosque say that Malcolm should be killed.

The Hayer defense suffered a setback when Franklin X Durand, 20, a part-time photographer in Newark, identified Hayer in two pictures he said he took three years ago during a karate exhibition at Mosque No. 25 in Newark.

Hayer had looked at the pictures during his appearance on the stand Wednesday and had denied that he was in them. He also denied ever being in the Mosque, ever learning or practicing karate and ever being a Muslim.

Mr. Greene said he was sitting on the right side of the ballroom when he saw a stout, dark man wearing a full beard fire the shotgun twice at Malcolm.

Under cross-examination by Mr. Dermody, he said he had never before talked to a policeman or a member of the District Attorney's staff about the man.

Mr. Greene will undergo further cross-examination when the trial resumes at 10:30 a. m. today.

Malcolm X Witness Faces Grilling on the 'Fat Man'

The prosecution today is scheduled to cross-examine further an alleged eyewitness to the Malcolm X slaying who says that the man who wielded the shotgun was "very stout, very dark and had a very heavy beard."

The testimony of Ernest Green, 21, a former Black Muslim, cast a doubt yesterday on the prosecution's contention that Thomas 15x Johnson, a light-skinned, clean-shaven Negro, pumped shotgun bullets into the Black Nationalist leader in the Audubon ballroom on Feb. 21, 1965.

Johnson, 30, of 992 Bronx Park So., The Bronx, is on trial for first-degree murder along with Talmadge Hayer, 24, of Paterson, N.J., and Norman 3x Butler, 27, of 661 Rosedale Ave., The Bronx.

Green, the 34th witness at the seven-week-old trial, admitted under cross-examination by Asst. DA Dermody, that he was urged "to testify for the brother" by a Muslim captain. He testified briefly and Dermody indicated he faced lengthy grilling today.

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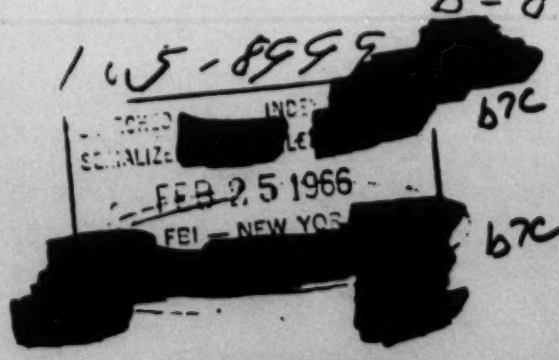

DEFENDANT DENIES SHOOTING MALCOLM

One of three men charged with the murder of Malcolm X told a Supreme Court jury yesterday that he could not have shot the former Black Muslim to death, because "the only thing I had in my hands was my hat."

The testimony was given by Talmadge Hayer, 24 years old, of Paterson, N. J. He was shot in the left thigh, assertedly by one of Malcolm's bodyguards, as he was running from the Audubon Ballroom, where the assassination took place last Feb. 21.

Hayer's lawyer, Peter L. F. Sabbatino, asked him during the 30-minute direct examination: "Were you one of the two men who ran down the aisle blazing away at Malcolm X?"

"No, sir, I was not," the slender, soft-spoken defendant replied.

"Were you a hired assassin?"

"No, sir," Hayer replied again.

Hayer testified that he could not account for the fact that his thumbprint was found on a piece of film that formed part of a smoke-producing device found in the ballroom. It was ignited, apparently as a diversion, a few moments before the attack on the Negro leader.

Responding quickly to the questions of his lawyer, Hayer explained the presence of a clip containing four .45-caliber cartridges in his pocket when he was arrested. He said he had found it in the men's room of the ballroom before the rally started.

He denied that he had held a .45-caliber pistol at any time during the day.

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THE NEW YORK COURIER Feb. 26, 1966

THEY REMEMBER MALCOLM

IN MEMORY OF MALCOM. Approximately 100 people turned out last Sunday to commemorate the 1st Anniversary of the slaying of Malcolm X. In the 19 degree temperature they marched silently to the beat of a single drum. The route of the march was from 110th St. and Lenox Avenue; up to 125th St., and finally to the Audubon Ballroom. No members of Malcolm's family particlpated in the march. At the termination of the parade speeches by a lady identified as 'Queen Mother" and by Mr. Wachuke of Awarness, asked that all "Black people boycott the Audubon Ballroom." Marchers in the above photo are passing the bombed out remains of the Muslim Mosque at West 116 St. and Lenox Ave. which was destroyed the day after Malcolm X's death. (Carl Nesfield Photo).

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DATE 1/4/84 BY [redacted]

CLIPPING FROM THE

N.Y. Daily News

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DATE 2-24-66

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Hayer Denies Role in Malcolm X Slaying

Under lengthy direct questioning and an hour and a half of cross-examination, 24-year-old Talmadge Hayer denied yesterday that he was a Black Muslim or had any part in the killing of Black Nationalist Malcolm X a year ago last Monday in the Audubon Ballroom 166th St. and Broadway.

The prosecution claims Hayer, now on trial in Supreme Court, created a diversion with Norman 3X Butler, 26, while a third defendant, Thomas 15X Johnson, 30, fired a double-barrelled shotgun blast into Malcolm's chest.

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Shells Linked To Murder Gun

New York (UPI)—Cartridges taken from one of three men charged with Malcolm 's assassination were linked yesterday with a .45-caliber weapon used to murder the Black Nationalist leader.

Detective Joseph Reisch, a ballistics expert, said extractor marks found on .45-caliber cartridges taken from Talmage Hayer, 22, of 347 Marshall Street, Paterson, N. J., matched markings made by the weapon used to gun down Malcolm X last February 21.

Testifying as the 21st prosecution witness in the first-degree murder trial which is into its sixth week. Reisch said a microscopic examination of the shell casings of the cartridges taken from Hayer matched three shells found in the Audubon Ballroom in upper Manhattan where Malcolm was slain.

Reisch said the extractor marks on a gun are significant and peculiar to that particular weapon. He said the markings are similar to an individual's fingerprints.

Police confiscated a cartridge clip containing four .45-caliber bullets from Hayer when he was arrested minutes after Malcolm X's assassination. Hayer was shot and wounded in the left thigh by a Malcolm X security guard as he attempted to flee the ballroom. Police later had to rescue him from an irate mob of Malcolm X followers.

A fingerprint expert testified, earlier that Hayer's thumb print matched latent prints taken from a smoke bomb that was ignited in the ballroom moments before the bearded 39-year old Malcolm X was killed.

Hayer surprised spectators yesterday morning when he showed up in the tightly guarded courtroom with a clean-shaven head. Hayer, who has appeared neatly dressed throughout the trial, also wore a sweater with an open shirt collar rather than his usual dark suit.

The other two defendants are Thomas 15X Johnson, 29, and Norman 3X Butler, 26, both of the Bronx. Hayer, also known as Thomas Hagan, was indicted under the latter name.

The State contends that the alleged murderers, all identified by witnesses as members of the racist Black Muslim religious sect, infiltrated the ballroom rally in a prearranged plot and pumped 19 missiles into Malcolm's body from three weapons — a 45-automatic, a 9-mm. automatic, and a sawed-off shotgun.

Before his death, Malcolm X said the Black Muslims were out to get him. A year before his assassination, Malcolb X defected, the separatist group to form his own splinter group, the Organization of Afro-American Unity.

"THE RECORD"
BERGEN COUNTY NEWSPAPER
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Didn't Kill Malcolm, Defendant Testifies

By James W. Sullivan
Of The Herald Tribune Staff

Talmadge Hayer, 24, took the stand in Supreme Court yesterday to deny charges that he had killed Malcolm X a year ago, that he ever was a member of the Black Muslims, that he had ever learned or practiced karate, and that he had a gun in his hand at the Audubon Ballroom the day Malcolm was killed.

"The only thing I had in my hand was my hat," Hayer, a slender, clean-cut, Paterson, N. J., resident, said under questioning by his attorney, Peter L. F. Sabbatino.

The loaded ammunition clip that police found on him, he said, was on the floor of the toilet in the Audubon Ballroom when he went there shortly after his arrival on Feb. 21, 1965. He picked it up and stuck it in his pocket, where it later was found by police who rescued him from a crowd of Malcom's followers after the assassination, he said.

Mr. Hayer was followed to the witness stand by a former lieutenant of Malcolm, Charles Morris, of 1851 Third Ave., who charged that there was dissension between Malcolm's religious organization and his political organization because the latter group was dominated by Communists.

Under cross-examination by Assistant District Attorney Vincent J. Dermody, Mr. Hayer said he could not explain how one of his thumbprints came to be on a piece of photographic film found by police in a home-made smoke bomb. The bomb was touched off during the assassination in the ballroom.

Mr. Hayer said that on the day of the assassination, he had been at the ballroom about 15 minutes when Malcolm

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N.Y. Trib
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appeared on the stage and a loud argument started to the rear of the audience.

He said he turned to see what was happening and heard a "big bang," which he thought might have come from behind him.

"I thought somebody had shot somebody during the argument," he said.

More shots came, he said, and he ducked until they stopped, then rose and ran from the ballroom. At the exit, he felt his left leg go numb and he hopped the rest of the way out, then slid down the bannister to the bottom and crawled on his elbows out of the door.

"A whole swarm of people came out of the door, kicking me, hitting me and saying 'Stop him, stop him, he killed Malcolm X,'" he said.

He crawled to a policeman and a police car pulled up. The two men inside jumped out, hauled him away from the crowd and drove him to a station house.

He denied ever having met the other two defendants, Norman 3X Butler, 26, and Thomas 15X Johnson, 30, before he was arrested; and said he did not see them in the ballroom on the day of the murder.

DEFENSE IS OPENED IN MALCOLM CASE

Promises to Prove Accused Were Not at Killing

By THOMAS BUCKLEY

Lawyers for two of the men accused of the murder of Malcolm X said yesterday that they would prove the defendants were not in the Audubon Ballroom when the assassination took place.

The defense opened its case in Supreme Court on the first anniversary of the murder of the Negro leader.

Charles Beavers, co-counsel for Thomas 15X Johnson, said his client "had no reason whatsoever to participate in this terrible deed."

Witnesses will be produced, Mr. Beaver went on, to show that Johnson was "in another county" at the time of the slaying.

William C. Chance, co-counsel for Norman 3X Butler, told the jury of nine men and three women that Butler would also prove that he did not know the third defendant, Talmadge Hayer.

Shot in Thigh

Hayer, who is also known as Thomas Hagan, was shot in the left thigh, assertedly by one of Malcolm's bodyguards, as he ran from the ballroom and was captured by police as he was being beaten on the sidewalk outside the building at 165th Street and Broadway.

His lawyer, Peter L. F. Sabbatino, made his opening statement on Jan. 21, before the prosecution began presenting witnesses. Mr. Sabbatino asserted that Hayer had been impelled by curiosity to attend Malcolm's lecture and that he was a victim of "mob identification" in the chaos that followed the shooting.

The prosecutor, Vincent F. Dermody, contends that all three defendants are members of the Black Muslims, the black supremacy cult that Malcolm broke with in 1964.

At the time of their arrest, the suspects were described by police as members of an assassination gang carrying out the orders of Elijah Muhammad, the leader of the Muslims.

However, Mr. Dermody has not repeated this allegation. He merely has stated that the three acted together in a carefully laid plan to kill Malcolm.

The first defense witness, called by Mr. Sabbatino, took the stand during the morning session to swear that Hayer had never discussed the Black Muslim movement with them or tried to persuade them to join it.

Under cross-examination by Mr. Dermody, the defendant's brother, Horace E. Hayer, an Army veteran of Vietnam, denied that he himself had joined the cult early in 1963.

Justice Charles Marks adjourned the trial until 10:30 A.M. tomorrow.

Ossie Davis, the actor, who delivered the eulogy at Malcolm's funeral, addressed a memorial meeting last night at P.S. 175, 178 West 135th Street.

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N.Y. Times

EDITION Late City

DATE 2/20/66

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Defense Opens In Malcolm Trial

Attorneys for the two men accused of murdering black nationalist leader Malcolm X opened their defense by arguing that Talmadge Hayer, 22, was not a Black Muslim, that Norman 3X Butler, 26, was not present at the murder, and that Thomas 15X Johnson, 30, was in a different county at the time. Cary II Thomas, a member of Malcolm's security guard, earlier identified all three defendants as the killers. Malcolm X was shot to death in the Audubon Ballroom on Feb. 21, 1965.

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N.Y. Herald Tribune

EDITION Late City

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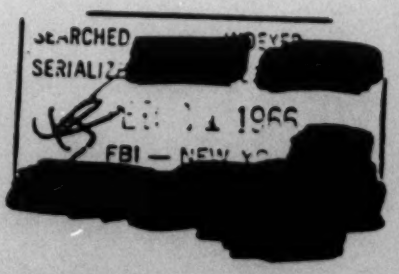

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Malcolm X—A Year Later

LEONARD SHECTER

Malcolm X knew he was going to die, suddenly and swiftly, by assassination. "I do not expect to live long enough to read this book in its finished form," he wrote in "The Autobiography of Malcolm X." It is a sad thing that the accuracy of that terrible prediction was his major legacy. A year after his death, with the trial of the three men who are supposed to have gunned him down still going on, Malcolm X is all but forgotten even to his own followers.

He was a man who thought he could move the world by bringing the Muslim religion and a sense of identity to the black men of America. But on the first anniversary of his death, most of the pitiful handful that marched through Harlem in his memory wore scruffy sheets and were members of the Yoruba Temple, a self-proclaimed voodoo sect. Before Malcolm died he had begun to approach his religion and his plans for the Negroes of this country with great cerebration. Voodoo in Harlem would have made him acutely uncomfortable.

Of course, when you call yourself El-Hajj Malik El-Shabazz, which was Malcolm X's Muslim name, you are asking for that kind of problem. It was the [illegible] of Malcolm X that he was a man of Harlem, ex-thief, ex-convict, ex-pusher. It was also his failure because when you appeal to the universal you have to take what you get.

* * *

It was proclaimed as a "solemn march" for the "prince of our black captive non-self-governing people." The marchers were to gather at 10 a.m. at Lenox Av. and 110th St. At that hour, on a bright and brittle Sunday, there were a few people drinking hot coffee and huddled for warmth in a luncheonette on Lenox Av. The networks were there, and newspapers and photographers and the police. But no marchers.

After a long time a man in a red fez came along. He said his name was Hamadu Wachuku and that he was in charge. He was waiting, he said, for the drums.

People drifted up, a few of them. They stood in the sun and stamped their feet. A stout woman

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N.Y. Post

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told a lot of people what to do and said her name was Queen Mother Moore. "I'm the Queen Mother of my captive non-self-governing nation," she said. "We transcend Malcolm X."

Yes, but you a Muslim? she was asked.

"I," she said, "am everything."

And then the drums arrived. Only it wasn't drums, just a drum, and one small, sweet-looking drummer in a leather coat with cold hands he kept rubbing together the way a piano virtuoso does before a concert. It was 11:30 when the small, gallant band of perhaps 60 people finally set off up Lenox Av. The drum pounded out the rhythm and the temperature was 18 degrees.

"Slower, slower," one man warned the marchers.

"If we walk any slower," a marcher said, "we'll freeze to death."

* * *

At 116th St. the voodoo bedsheets joined the march. Onward and uptown. There were no spectators along the route. Just an occasional one asked: "Who are they supposed to be?"

But give the little band credit. Three abreast, they walked all the way to 166th St. and Broadway. There, in front of the Audubon Ballroom, where Malcolm X was shot to death, Hamadu Washuku read a spirited, but poorly written resolution. "To him we dedicate this day 'Malcolm X.' Another black man, who dared to inject truth in the meaning of supreme sacrifice."

Then Queen Mother Moore made a speech. "Organize yourself," she shouted. "Secretly, secretly, secretly."

It shouldn't be hard. There doesn't seem to be much interest in what these people do. The death of Malcolm X cut them all adrift.

"When I am dead," Malcolm wrote, "I want you to just watch and see if I'm not right in what I say: That the white man, in his press, is going to identify me with hate."

His prophesy of death was tragically correct. The other one was wrong. He is not being identified with hate. He is hardly being thought of at all, up in Harlem. And that's worse.

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TRIBUTE TO MALCOLM X — Marchers move up Lenox Avenue in New York's Harlem during a parade to the scene of Malcolm X's slaying a year ago. Three accused slayers are now on trial in a New York court. (Photograph by A. P.)

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Who Mourns Malcolm X?

By Rasa Gustaitis
Of The Herald Tribune Staff

What had been billed as a solemn march to commemorate the death of Malcolm X turned out to be a small and lonely procession yesterday.

A year ago, 22,000 mourners had walked past the bier of the militant Black Nationalist who had come to represent Negro anger and growing racial pride to many in this country and abroad. But yesterday, in the midst of the trial of his alleged killers, not even 100 friends and admirers came to honor his memory.

'WHO CARES'

As they marched to the beat of an African drum, behind voodoo priests in white wind-whipped garments, the streets of Harlem were deserted and hardly anyone even parted a curtain to gaze out a window.

"This is showing us who really cares about black," remarked Ahmadu Wachuku, one of the leaders of the commemoration. The march was "a joint endeavor of various splinter groups," he said.

Nobody has actively tried to take over the leadership of Malcolm X's Organization of Afro-American Unity, and his followers have scattered since his death. Mrs. Ella Mae Collins, his sister, is officially his successor, but she spends much of her time in Boston and is rarely seen at the Hotel Theresa, where the group still has its headquarters.

Neither Mrs. Collins nor Mrs. Betty Shabazz, the widow of Malcolm X who was also known as El Hajji Malik El Shabazz, were present yester-

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N.Y. Herald Tribune
EDITION Late City
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Only Handful in Harlem Parade Note Anniversary of His Death

day. Mr. Wachuku said it had been "a trying week" for the widow.

Mrs. Shabazz had appeared in Supreme Court last week during the trial of the three men charged in the murder of her husband. She told how she shielded her children when a volley of shots hit Malcolm X on the stage of the Audubon Ballroom, before 300 spectators.

The prosecution has rested its case and the defense is to begin today. Charged in the shooting are Thomas Hagan, also known as Talmadge Hayer, 22; Thomas 15X Johnson, 30, and Norman 3X Butler, 26.

LEAFLETS

Some of the shivering, bundled-up people who gathered in 13-degree weather on the corner of 110th St. and Lenox Avenue at 10 a. m. yesterday had learned about the march for "the Prince of our black captive non-selfgoverning people" from leaflets distributed outside the courtroom last week.

They waited until 11:30 a. m. when a line finally formed. Only 65 people were in it. There would have been 69, but four white sympathizers were told they could not take part.

"White people don't live in Harlem, they only own things in Harlem," explained Dan Watts, editor of Liberator magazine which co-sponsored the march.

"We were hoping white people wouldn't come," someone else said. "This is black."

Mr Wachuku, wearing a red fez and carrying a carved stick, took the lead. The stick was a sawawisha, an African symbol for "the forces of equalization," that worked "by hand," Mr. Wachuku said.

Close behind him three marchers carried a red, yellow and green flag embroidered with an anhk, an ancient Egyptian symbol of "life and resurrection," according to a voodoo priest.

Then came Queen Mother Moore of the voodoo Temple Yoruba, who represented Yemoja, the goddess of motherhood. A large woman in black and white fur-trimmed cloak, red turban and red shoes, she said she was "everything my people are."

Behind her walked women in turbans and African haircuts, men with single earrings, a man in turban and djellabah, an African robe, and a string of others.

At 116th Street, seven other members from Temple Yoruba joined in. One beat a ceremonial drum, one carried a rifle, symbol of Ogun, the voodoo god of war. Baba Osergeman, the chief priest, carried a sword and an iru kere, an ox-tail stick symbolizing Obatala, the god of peace. Others held a white parasol with gold tassels.

Up Lenox Ave. they marched, past the Bethel Gospel Pentacostal Assembly, Inc., Fritz's Bar and Grill, the Legal Aid Society, Dunbar Pawnbrokers, Glamor Pix Studios and the Truth Coffee Shop. Then along 145th Street to St. Nicholas Ave., up to 161st Street to Broadway and 166th Street, where the Audubon Ballroom, site of the murder, is. It was 1 p. m. when they arrived.

Mr. Wachuku said that a meeting inside had been planned but that the management had cancelled the group's reservation. He called for a boycott of the hall.

The brief ceremony outside took only five minutes. Queen Mother Moore held up a clenched fist and led a cry of "Uhuru!" (freedom). Moments later the street was empty again.

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Shots Rang Out and Malcolm X Met Death He Foresaw

By ROBERT LAIRD
Of the World-Telegram Staff

One year ago today Malcolm X stood before the rostrum of the Audubon Ballroom and, impatient to end an apparently harmless disturbance somewhere in the middle of the chamber, cried out:

"Brothers and sisters . . ."

Those were the last words he ever spoke.

The disturbance was a diversion carefully planned to distract the attention of the 400 adherents of the Black Nationalist leader rallied that cold, gray Sunday afternoon to support their leader in his bitter feud with the Black Muslims.

In the next few moments a nightmarish spasm of violence—like some Walpurgis Night suddenly become maddening reality—was to shake the aging ballroom.

Three men sprang out of the shadows on either side of the platform, jerking weapons from under their overcoats as they rushed forward.

Two fired pistols; the third, a sawed-off shotgun. The 39-year-old Malcolm toppled back, his head, chin and torso ripped apart by 17 bullets and shotgun pellets.

The assassins bolted for the door, firing their guns into the

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Date: 2/21/66
Edition: METRO
Author: ROBERT LAIRD
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
or
Classification: BU 100-399321
Submitting Office: NYO
Being Investigated

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FEB 21 1966
NEW YORK

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floor and ceiling. Men, women and children shrieked in terror and scrambled for cover.

Malcolm's bodyguards, who had stood frozen for long moments, came to life and blazed away with their pistols.

Two bystanders crumpled to the floor with bullet wounds. A man, later asserted as one of the assassins, screamed in pain as a slug tore into his leg.

He struggled desperately forward a few steps and then a mob fell upon him, cursing, punching and kicking him. His left leg was fractured by kicks. Two patrolmen finally scattered his attackers by shooting their revolvers into the air.

Malcolm X had predicted a violent death such as this for himself, although probably few members of the white community had believed it could really happen.

But ever since he had split with the Black Muslim cult of Elijah Muhammad in March 1964, to lead his own Black Nationalist extremist group, Malcolm had repeatedly proclaimed to America that he was a marked man.

More than 21,000 people filed past his bier last year.

Yesterday only 75 marched in his memory.

Led by a drummer dressed in black, the group walked 56 blocks through the center of Harlem to the scene of the assassination where they held an hour-long ceremony.

Today three men stand trial in Manhattan Criminal Court for Malcolm's death: Thomas Hagan, also known as Thomas Hayer, 22; Thomas 15X Johnson, 30; and Norman 3X Butler, 28.

A pall of fear, the expectation of further violence and death, hangs over that trial, which began Dec. 6.

All three defendants are closely guarded by police who know that a moment's lapse in security could give Malcolm's followers the chance for revenge they have waited to exact for one year.

Defense Opens In Malcolm X Murder Trial

By JOSEPH MANCINI

The defense today begins an uphill fight in the Malcolm X murder trial as it opens its case—exactly one year after the former Black Muslim was gunned down at an Audubon Ballroom rally.

The prosecution rested Friday after 27 days of trial, which saw 24 witnesses give more than 2,000 pages of testimony. Its case is based on a stream of eyewitness testimony putting one or all three defendants in the ballroom, armed and shooting at the time of the slaying.

The Accused

The defendants, described by the prosecution as "active members of the Black Muslim sect" who slew Malcolm for forming his own black nationalist group, are:

Thomas Hagan, also known Talmadge Hayer, 22, of Paterson, N. J., Norman 3X Butler, 26, of 661 Rosedale Av., The Bronx, and Thomas 15X Johnson, 30 of 932 Bronx Park S., The Bronx.

The remainder of the prosecution's case, tried by Asst. DA Dermody, is based on police testimony involving a thumbprint found on a smoke-bomb at the rear of the ballroom. The state claims it's Hagan's print.

Police witnesses also linked one of the murder bullets to a .45-cal. automatic belonging to Hagan.

Hagan's case will be tried first. His attorney, Peter L. F. Sabbatino, said Hagan will take the stand in his own defense.

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Only 75 Walk In Memorial To Malcolm X

Malcolm X, who, as fiery prime minister of the white-hating Black Muslims, drew throngs to Harlem street corners with his racist tirades, was almost alone in death yesterday.

Instead of the expected thousands, only 75 persons joined in a parade honoring the man who was born Malcolm Little and died in a rain of bullets under the name of El Hajki El Shabazz.

It was, as he said of the assassination of President Kennedy, a case of "chickens coming home to roost."

His Own Remark

It was that remark, many believe, that led to Malcolm's own assassination as he was about to address his following a year ago today in the Audubon Ballroom.

Elijah Muhammad, head of the Muslim group, suspended him for making it and, after a ban of several months, he formed his own black nationalist group.

Malcolm eventually modified his anti-white views and gained the hatred of the Black Muslims. Three men assertedly of that sect are on trial for his death in Supreme Court.

Memorial March

Leaders of yesterday's march, billed as "a solemn memorial march to commemorate the first anniversary of the death of El Haji Malik El Shabazz," had listed about 25 organizations in support of the procession. Among them, they said were the NAACP, CORE, the Urban League and Haryou-Act.

The march began at 110th St. and Lenox Ave. and, with several white-robed members of the Yoruba Temple, a voodoo sect, in the vanguard, continued through the streets of Harlem to the Audubon Ballroom, Broadway and 166th St., in Washington Heights.

After a brief rally outside the ballroom—to which they were denied entrance—the little group split up.

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N.Y. News

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75 MARCH TO MARK MALCOLM'S DEATH

They Walk to Where He Was Slain a Year Ago Today

A "solemn march" in memory of Malcolm X drew 75 followers of the murdered black nationalist leader into the bitter cold of deserted streets of Harlem yesterday.

Organizers of the "commemoration day" had hoped to attract at least 500 paraders and had claimed the support of such civil rights groups as the National Association for the Advancement of Colored People, the Congress on Racial Equality and the Urban League.

As one bearded marcher explained, however, those who showed up were "just people, not groups."

Malcolm was shot on Sunday afternoon, Feb. 21, 1965, as he was preparing to address 400 followers in the Audubon Ballroom, Broadway and 166th Street. In the four days his body was on view there, 22,000 persons visited the Unity Funeral Home at Eighth Avenue and 128th Street.

Three men accused of the slaying are on trial in the Criminal Term of Supreme Court here.

The marchers set off at 11:30 A.M. from Lenox Avenue and 110th Street, moving quietly three abreast behind a yellow-fringed red, yellow and green flag. A drummer wearing a black leather cap and high black boots beat a slow cadence. The marchers reached the Audubon Ballroom at 12:45.

Outside the dingy, two-story building the marchers huddled in the cold while Ahmadu Wachuku, one of the organizers, read a resolution asking the group to "strive until we are indisputably free of the white man's yoke."

He also declared a "permanent boycott against the Audubon Ballroom," whose management had refused the group's application to hire the hall.

The ballroom manager said later the hall had been rented to other groups for yesterday afternoon and evening. "We don't boycott anybody," he added.

The brief rally ended with a speech by Queen Mother Moore, an angular woman dressed in an orange turban and a flowing green-checked cape.

"Arise you mighty, captive, non-self-governing nation," she shouted, "because you can move mountains, if you dare." She closed her speech with the cry of "Uhuru," the Swahili word for freedom, and many in the crowd answered with upraised

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N.Y. Times

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Unanswered—Motive In Malcolm X Murder

By James W. Sullivan
Of The Herald Tribune Staff

The prosecution's case against three young men accused of the murder of Malcolm X ground to a close last week offering answers to all the questions except the big one: Who engineered the assassination of Black Nationalism's ablest leader?

Since that afternoon 364 days ago, when Malcolm's riddled body was wheeled out of the Audubon Ballroom and he was pronounced dead at Columbia-Presbyterian Medical Center, the assumption has been that the killing was engineered by the Black Muslims.

There certainly had been bad blood between Malcolm and the Black Muslims. Elijah Muhammad suspended Malcolm, his most effective minister, in 1963 for remarks made after President Kennedy's assassination, and later expelled him. Malcolm resented that, and members of his political and religious organizations were in violent clashes with the Muslims at various times.

After the killing, various of Malcolm's followers talked of task forces heading for Chicago to take revenge on the elderly Elijah, but no attempt was ever made on his life.

The Muslims publicly denied any connection with the murder, but few officials gave them any support and the general public has considered them guilty of it.

However, at no time during the six weeks that Assistant District Attorney Vincent J. Dermody has presented his evidence in the court of Supreme Court Justice Charles Marks has he given any evidence of a motive for the murder.

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N.Y. Herald Tribune
EDITION Late City
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MUSLIMS

Several witnesses identified as Muslims the three defendants, Norman 3X Butler, 28, Thomas 15X Johnson, 29, and Thomas Hagan or Talmadge Hayer, 22, but none claimed to know or even implied that their religious leaders might have sent them to kill Malcolm.

The only link between Malcolm's death and the Muslims was a tenuous one, from George 28X Whitney, former member of the Fruit of Islam, the elite Muslim security corps, and later bodyguard to Malcolm. Whitney said Malcolm had continuously expressed fears that he would be killed, "saying that the power structure and the Black Muslims were both interested in his death."

Attorneys demanded to know whether he said "white power structure" or "black power structure," but Whitney replied that he "just said power structure."

In Harlem, where rumors grow faster than grass does in more arable locations, the theory that the Black Muslims ordered Malcolm's execution is widely, but not unanimously, held. If you are an ultra-liberal, you can find support there for the theory that Malcolm was killed on orders of the United States government. If you are a conservative, some residents will agree with your theory that the killers were agents of the "Peking Reds."

Both the latter theories have their roots in Malcolm's international activities in the period before his death. He had made a pilgrimage to Mecca and a speaking tour in Europe and Africa, and was friendly with representatives of Arab nations assigned to the United Nations.

The ultra-liberals say it is his death the Central Intelligence Agency's reaction to his plans for a united Arab and African people which would include Americans of African descent. The conservatives maintained that he had been supported by the Chinese-Cuban branch of the Communist party and that he was killed because he was moving away from the subversive racist line which he had been paid to preach.

—This week, the jury of nine men and three women in Justice Marks' court probably will hear another theory—that Malcolm died as the result of a conspiracy by his bodyguards.

When a celebrity is killed at an appearance before several hundred persons, the person charged with the crime can expect a parade of eye-witnesses to accuse him. Butler, Johnson and Hayer have seen such a parade.

Except for official witnesses, nearly every one who has come to the witness stand has testified to some part of what happened in the ballroom that day.

Hayer and Butler have been identified as the men who created a disturbance in the audience. Johnson has been identified as the man who ran to the stage during the disturbance and fired a sawed-off shotgun into Malcolm. Hayer and Butler have been re-identified as the men who then ran to the stage and pumped pistol shots into the fallen Malcolm.

Under such circumstances, defense attorneys have cross-examined intensively, hoping to shake the eye-witnesses and, occasionally, having some success. Some of the questions have been classics, such as that asked by Butler's attorney, William Chance, of Cary 2X Thomas, one of Malcolm's bodyguards:

"Have you at any time denied to anybody that you killed Jesus Christ?"

Because Mr. Dermody objected and Justice Marks sustained him, the audience was never treated to an answer.

GUARD

However, the trend of the questioning by Mr. Chance and Peter L. F. Sabbatino, attorney for Hayer, has indicated they will attempt to prove that Malcolm was the victim of a conspiracy by his own guards.

As witnesses have admitted that they were part of the security guard at the meeting and, in some cases, were armed, the defense attorneys have hammered questions at them about their failure to protect Malcolm. Thomas, who said he was carrying a pistol, received question after question on cross-examination about why he failed to shoot. His only answer was that he was confused and the affair happened too quickly.

But Thomas, like the other bodyguards, reacted with an emphatic "No!" when the defense attorneys asked him if he had conspired in the assassination. That question was the only one of hundreds thrown at him which caused him to lean forward in the witness chair, grasp the microphone and bring his mouth up close to it before he answered.

The defense opens this week. Apparently, there will be few witnesses, but Mr. Sabbatino has said Hayer will take the stand, Mr. Chance has said Butler will take the stand and Attorney Joseph Pinckney has

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PROSECUTION RESTS IN MALCOLM X CASE

The prosecution completed its case yesterday against three men on trial in the murder of Malcolm X, the black nationalist leader.

A newsman who was in the Audubon Ballroom on Feb. 21, 1965, when the slaying took place, was the 24th and final witness. He told the jury in Supreme Court of hearing gunshots and seeing one of the defendants, Talmadge Hayer, pointing a pistol at Malcolm.

The newsman, Charles Moore, said that then, while he stood in a telephone booth in the ballroom foyer giving his story to the American Broadcasting Company, he saw Hayer—who is also known as Thomas Hagan—run past him with a .45-caliber automatic in his hand.

Reuben Francis, one of Malcolm's bodyguards, was in pursuit, said Mr. Moore. Francis, who is held in $25,000 bail, is accused in another case of having fired three shots at Hayer. One struck him in the thigh and another hit a bystander in the abdomen.

The newsman did not identify the other defendants, Norman 3X Butler and Thomas 15X Johnson.

Hayer's lawyer, Peter L. F. Sabbatino, cross-examined Mr. Moore. Holding the automatic and referring to Hayer, the lawyer shouted: 'Did you try to stop him?'

"I'm not stupid," the witness replied. "He had a gun in his hand."

CLIPPING FROM THE

N.Y. Times

EDITION Late City

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FD-350 (4-3-62)

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Parade To Honor Malcolm X

There will be a parade through Harlem tomorrow to mark the first anniversary of Malcolm X's death.

And on Monday—exactly one year to the day of the black nationalist leader's slaying—lawyers will rise in a Foley Square courtroom and formally open the defense of the three men accused of shooting Malcolm.

A dozen organizations, including chapters of the Congress of Racial Equality and the National Assn. for the Advancement of Colored People, are sponsoring the memorial march.

The parade will begin at 110th St. and Lenox Ave. and wind northward through Harlem to 168th St. and Broadway, the site of the Audubon Ballroom, where Malcolm was gunned down while addressing 400 of his followers.

On Monday, the 28th day of the trial before Supreme Court Justice Charles Marks, attorneys will begin presenting their case for defendants Thomas Hagan, 22, of Paterson, N. J.; Norman 3X Butler, 26, and Thomas 15X Johnson, 30, both of the Bronx.

The prosecution rested its case yesterday after calling 24 witnesses to the stand.

(Indicate page, name of newspaper, city and state.)

24 NEW YORK WORLD TELEGRAM AND SUN

Date: 2/19/66
Edition: SEVEN SPORTS
Author:
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character or Classification: SM-NOI
Submitting Office: BU 100-399321 NYO

105-8999-16-69

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/4/84 BY [redacted]

SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]
FEB 21 1966

[redacted]

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

MURRAY KEMPTON

Anger Of the Gods

THE WIDOW of the man we called Malcolm X and the police called Malcolm Little and his family called Malik Shabazz was a witness yesterday at the trial of the three young men the state says murdered him.

She turned out to be a black monument of august simplicity, one white strand of pearls on the neck, the rest all black, and the suit of the style that gets itself called severe when worn by the middle class and saluted as majestic when worn by queens.

Malcolm X lived in the most ragged social setting known to Americans; yet he willed himself to be a great foreign prince. How odd to be reminded that, no matter where they are born or how they live, kings end up marrying queens.

"Betty Shabazz," she said to the stenographer. "S, like Sam, h, a, b, like boy, a, b, a, z, like zebra, z." "Sam," "Boy," the little nicknames white people used to call Negroes before history made us self-conscious; there is irony in every word spoken by a queen in exile.

She had gone to the Audubon Ballroom, she told Assistant District Attorney Dermody, with "my four babies" last Feb. 21 to sit in a box at her husband's last meeting. She had not noticed the earlier speakers, because it had been cold outside and "I was trying to undress my babies and myself."

She had watched her husband come to the stage and "give the customary greeting" and then a man stood up on the left hand and said something "in a loud and demanding voice."

Her husband had said everything would be all right, and then there was a shot and chairs falling and people running.

"My babies started crying and I was trying to quiet them. They wanted to know if somebody wanted to kill us. I pushed them under a bench. I covered the bench with my body. One of them cried out they couldn't breathe or see. I turned to help quiet them and then I looked toward the stage and I couldn't see my husband."

(Indicate page, name of newspaper, city and state.)

21 NEW YORK WORLD TELEGRAM & SUN

Date: 2/18/66
Edition: METRO
Author: MURRAY KEMPTON
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
or
Classification: BU 100-399321
Submitting Office: NYO

☐ Being Investigated

105-8999-10-68

SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]
FEB 18 1966
FBI — NEW YORK

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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/4/84 BY SP2 ATH EXECUTED

As a presence she was magnificent; as a witness, she was of very little use; even a queen with the charge of four little girls can be asked to observe very little else.

From behind the district attorney her look seemed to the side of him, fixed, brooding, without anger or hatred, the judgment of a mountain upon a trespasser. She was looking at the defendants; and one of their counsel who bore its frontal force talked about that look as though it had been a flame.

It was the terrible force of the assumption without much chance of knowledge that these were the murderers of her husband. And these three young men sat looking straight ahead, under the shadow of a curse that might have been a thousand years old because it was that impersonal and devoid of any sign of recognition.

I. F. Stone was unique among the reviewers of Malcolm X's autobiography in noticing how American Malcolm X was, and Mrs. Malik Shabazz is very American too. An American wife whose husband was rising in the firm and was cast out by rival executives and who was murdered when he set up his own company would automatically blame the head of the old firm.

So she must take it for granted that Elijah Muhammed sent whoever assassinated Malcolm X. The opinion of a victim's wife is not evidence at all; but she made it the focused incarnation of fixed belief. She seemed to will vengeance not as people do — on familiars — but as states do — on strangers.

And then, departing, she stopped right by the defendants and raised her arm. Who knows the motives of queens? Some of us thought she was about to strike them, and some of us that she was only about to remonstrate with them.

A court attendant took her elbow. "Let go of my arm," she said. She had begun at last to cry. "They killed my husband." Her "they" sounded as if she were talking about everybody. And then she was gone, and Judge Marks instructed the jury to disregard her final scene. You doubted that any juror could fit an event of this size into his judgment of a criminal case. What is relevant about the anger of the gods at the absurdity of everything?

When Malcolm X Died

By GEORGE BARNER

It is inevitably a stunning moment in a murder trial when calm medical testimony revives in stark detail the disinterested cruelty of the blind couriers of death wildly ravaging the attendant as an impromptu modhuman sanctum.

Such a moment occurred Friday when New York's Chief Medical Examiner, the white-haired Dr. Milton J. Halpern, peering over black-rimmed spectacles and using a standing counsel, held the rapt attention of the court and jury as he matter-of-factly reported the findings of his post mortem on Malcolm's 6-foot, 3-inch, 178-pound body which he described as "slender and well nourished."

Despite the professional detachment of Halpern, the doctor, and despite the avuncular kindliness of Halpern, the man, the grisly chill of sudden, violent death inexorably penetrated the court's consciousness, edging through the doctor's circumstantial recitation of clinical minutiae to re-translate into the horror of a human body outraged.

"There were many shotgun wounds on the chest and, in addition, there were bullet wounds on the lower extremities, and the right forearm and right hand. There was also one wound on the right side of the chin . . . an in-and-out wound on the right forearm. . .we retrieved a small fragment of yellow metal which we identified as a bullet. . .an in-and-out wound through the soft tissues of the hand, entered through the web of the thumb and forefinger. . .

From The Thigh-to-the Heart

Four of the wounds described an "upward track" which Halpern said tended to indicate that the victim was lying down — assuming that the gun from which the bullets were discharged had been fired from a normal position.

From one such wound was recovered a .45 caliber, metal jacket which had entered the left leg 5 ½inches above the heel and ripped upward through the knee to lodge in the muscles of the thigh, 28 inches above the point of entry.

From Lager

Another bullet was identified as a 9 millimeter (Luger) which entered the front of the left thigh in the lower third, 26½ inches above the level of the heel and lodged in the neck of the thigh bone, near the hip, after tracing an upward path.

The critical exploit was made by a Luger bullet that burst through the inner surface of the left thigh, coursing upward and through the thigh where it entered the abdomen. . .coming back of the abdomen and charging along the spine to tear up the aorta, the great main artery leading out of the heart.

A cluster of ten perforations — holes of the type produced by shotgun shells — fitted into a 7-inch diameter on the left side of the victim's chest and inclosing a surgical incision which had been made by Medical Center doctors in a futile effort to resuscitate the dead man.

"Seven of the ten slugs penetrated through the pericardial sack of the heart itself, some going all the way back, some going into the spine and some into the chest cavity. . .also the aorta. . .left lung. . .and spinal canal."

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/4/84 BY 626 DATE WEBER

105-8999-B-67

SEARCHED [redacted] INDEXED
SERIALIZED [redacted] FILED
FEB 18 1966
FBI — NEW YORK

[redacted] 67c

Daily Drama of Malcolm X Trial Is Nearing End

Three Defendants Following a Changeless Pattern as Case Enters 6th Week

By THOMAS BUCKLEY

For five weeks now, the three clean-cut young men charged with the murder of Malcolm X have been led each weekday morning through the heavy door that stands between the yellow tile corridors, the steel bars and disinfectant odors of the Tombs and the brown-paneled, air-conditioned courtroom on the 13th floor of the Criminal Courts Building.

A blue-uniformed court attendant holds each man firmly by the elbow until the defendant takes his seat of unpadded oak at the counsel table. Then the attendants draw up their own high backed upholstered leather chairs directly behind them.

The three men sit in the same places each day, in the order that they were named in the indictment. On the judge's right is Talmadge Hayer of Paterson, N. J., who was indicted as Thomas Hagan, the name he gave the police when he was arrested. He is 23 years old. In the center sits Norman Butler, 2[illegible] and third is Thomas Johnson, 30, both of the Bronx.

Prison Pallor Noted

All are slender, light-skinned Negroes of medium height. They dress neatly in dark suits, white shirts and solid-color neckties. Their faces have taken on a waxy pallor during the 11 months they have spent in jail since their arrest.

As they sit at the table hour after hour, Butler and Johnson turn to each other occasionally to whisper or smile or nod. They are members of the Nation of Islam-Black Muslims—and in its mosques and pork-free restaurants they are known as Norman 3X and Thomas 15x.

Hagan ignores them, staring straight ahead at the judge's bench and the witness box with his right hand under his chin. He says through his lawyer that he has never been a Muslim and that only curiosity and an interest in social trends brought him to the Audubon Ballroom last Feb. 21, when Malcolm was killed with 10 pistol bullets and 8 pellets of buckshot.

Like prisoners, judges are never seen in the public corridors of the Criminal Courts Building. Each morning Justice Charles Marks of the State Supreme Court, who is presiding at the trial, takes a private elevator from his sunny chambers on the 17th floor, the top floor, to his robing room. From there, while an attendant cries, "All rise," he makes his way to the bench.

The jury of nine men and three women and the witnesses use still another door. The jurors are a cross-section of Manhattan. They include a chemist, a printer, a housewife, two transit workers. Three of the men, including the foreman, are Negroes. They listen attentively and even after lunch, under the much-too-dim lights and the weight of questioning that is often repetitive, none is seen to nod.

The lawyers stand in the dim, cigarette-littered gray marble public corridor until the attendants pass among them like bellboys saying, "Case on trial." The lawyers' chairs are alongside their clients.

Hagan's father, a truckman, retained counsel for his son. The lawyer is Peter L. F. Sabbatino, a scrappy, white-haired man of 74 who will soon celebrate the 50th anniversary of his admission to the bar. He and Justice Marks, who is 71, frequently find themselves in disagreement over points of law.

The judge wins all the arguments, leaving Mr. Sabbatino no recourse but to raise his index finger to the ceiling and trumpet, "I respectfully except and ask for the withdrawal of a juror and the declaration of a mistrial."

The lawyers for the other two defendants were appointed by the court. They are William C. Chance and Joseph B. Williams for Butler, and Joseph Pinckney and Charles T. Beavers for Johnson. Like their clients, they are Negroes. Each of the five teams will receive the fee of

CLIPPING FROM THE

N.Y. Times

EDITION Late City

DATE 2-11-65 C

PAGE 22

FORWARDED BY NY DIVISION ____

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105-8999-10-66

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SERIALIZED [redacted] ED ____
FEB 14 1966
FBI — NEW YORK

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HEREIN IS UNCLASSIFIED
DATE 1/4/84 BY 826 JHE/LDC/dd

$7,500 set by the state for murder trials. When a case goes on for five or six weeks, as this one will, the fee does not cover their expenses.

Mr. Chance is a burly man who wears boots with Spanish heels or elastic-gored congress gaiters. Known as a skillful cross-examiner, he confronts hostile witnesses with an expression of smoldering anger. His comments and question are loud and blunt and he clearly holds the jury's attention.

The prosecutor, Vincent J. Dermody, the son of a police inspector, has been an assistant district attorney for 25 years, and has tried more murder cases than he can count. He is a slim, wiry, red-faced man whose lips compress with irritation when he objects, as he does frequently, to the tactics of his opponents. More times than not, he is sustained by Justice Mark.

Even-Tempered Judge

The judge, plump, good-natured and imperturbable, does not use a gavel, even during the noisiest disputes. He is proud of his forbearance and has never been reversed by the Appellate Courts in a first-degree murder case. More than once he has said to Mr. Chance or Mr. Sabbatino: "In 28 years on the bench I have never lost my temper and I'm not going to start now, no matter what you do."

During its opening days, the trial played to a full house. The wooden benches, divided into 84 uncomfortable seats, were filled despite the long waits in the corridor and the requirement that spectators be searched each time they entered the courtroom.

It's different now. It is a good day when the room is a quarter filled. Most of the spectators are Negroes. Some are pointed out as Muslims; others as former followers of Malcolm. Without exception, they decline to speak to persons they do not know.

More than anyone else, it is Malcolm who is absent from the courtroom. Mr. Dermody has not spent a moment describing his philosophy or his break with the Muslims.

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THUMBPRINT LINKED TO MALCOLM TRIAL

A thumbprint found on a smokemaking device that was set afire moments before the murder of Malcolm X was identified yesterday as having been made by Thomas Hagan, one of the three men charged with the killing.

Detective Robert Meyer of the Police Department's Bureau of Criminal Identification, testified in State Supreme Court that the print was "one and the same" as the left thumbprint taken while Hagan was confined in the prison ward of Bellevue Hospital.

Hagan was wounded in the left thigh, assertedly by one of Malcolm's bodyguards, as he ran from the murder scene, the Audubon Ballroom last Feb. 21.

Dr. Milton Helpern, the Chief Medical Examiner, then testified that nine "tracks" made by bullets were found in various parts of Malcolm's body, along with 10 perforations in the chest caused by buckshot.

Countering suggestions by defense lawyers that the Negro leader had been assassinated by his own followers rather than by members of the Black Muslims, Dr. Helpern stated that all the bullets had entered Malcolm's body from the front.

CLIPPING FROM THE

N.Y. Times

EDITION Late City

DATE 2/12/66

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SEARCHED [redacted] INDEXED

SERIALIZED [redacted] FILED

FEB 14 1966

FBI NEW YORK

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PRINT FOUND IN BOMB, MALCOLM JURY TOLD

A thumbprint was found in a homemade smoke bomb that was ignited moments before Malcolm X was murdered, a detective disclosed yesterday in State Supreme Court.

The testimony was given by Edward Meagher, a fingerprint expert, at the trial of the three men accused of the killing. The person who made the print was not immediately identified, but there were indications that it was one of the defendants.

The crude smoke-making device consisted, according to testimony, of crumpled photographic film and safety matches wrapped in two handkerchiefs and a man's black sock.

In the morning session, a witness, Roland B. Wallace, a Sanitation Department sanitation worker, said he had seen the device smoldering at the rear of the Audubon Ballroom, where the killing of the Negro leader took place last Feb. 21, just before the shotgun and pistol fusillade began.

Mr. Wallace said that an unidentified member of the audience had stepped on it to put it out. Later it was doused with water.

Those on trial are Norman 3X Butler, Thoman Hagan and Thomas 15X Johnson.

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N.Y. Semia

EDITION Late City

DATE 2-11-66

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HEREIN IS UNCLASSIFIED
DATE 11/4/84 BY SP6 TAE/MEB/dd

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SEARCHED [redacted] INDEXED
SERIALIZED [redacted] FILED
FEB 11 1966
FBI - NEW YORK

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MALCOLM X WITNESS RECAPTURED HERE

A key figure in the Malcolm X murder case who jumped $10,000 bail nearly a year ago has been recaptured. This was disclosed yesterday during the trial of the three men accused of the slaying.

The wanted man, Reuben Francis, a 34-year-old bodyguard and secretary of the slain Negro leader, was taken into custody last Wednesday at the District Attorney's office.

He was arrested last Feb. 21, a few hours after the killing, on charges of felonious assault and violation of the weapons law, and was later indicted. The police said he had fired a shot that struck one of the defendants, Thomas Hagan, in the thigh as Hagan was fleeing from the Audubon Ballroom.

Malcolm was slain as he was speaking at a rally in the ballroom.

In mid-March — the District Attorney's office could not provide the precise date — Francis failed to appear at a hearing on the charge. Soon after, his bail was ordered forfeited.

Except for the fact that the Federal Bureau of Investigation helped to find Francis, no details of his capture were released. He was arraigned in Supreme Court and is being held in the Tombs in $25,000 bail.

CLIPPING FROM THE

N.Y. Times

EDITION Late City

DATE 2-10-66

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FORWARDED BY NY DIVISION ____

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/4/84 BY SP2 JAE/LWB/dd

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105-8999-1B-63

SEARCHED [redacted] INDEXED
SERIALIZED [redacted] FILED
FEB 10 1966
FBI—NEW YORK

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Grab Missing State Witness In Mal X Trial

A long-sought prosecution witness in the trial of three men accused of killing Black Nationalist leader Malcolm has been arrested and held in $25,000 bail, a detective revealed yesterday. The witness had been missing since last March.

Reuben X Francis, 33, allegedly a member of Malcolm's bodyguard, is considered a key witness in the prosecution of the Supreme Court trial of Thomas (Talmadge Hayer) Hagan, 22; Norman 3X Butler, 26; and Thomas 15X Johnson, 30.

The three men are accused of shooting down Malcolm X in the Audubon Ballroom, 166th St. and Broadway, last Feb. 21.

Cops Tells of Arrest

The fact that Francis had been arrested was revealed during the testimony of Detective Ferdinand Cavallaro. Francis is expected to be called to the stand during the trail.

Earlier in yesterday's session, Justice Charles Mark ordered the courtroom cleared during the testimony of a witness.

The witness expressed fear for his life if he had been forced to testify in open court, it was said.

The trial resumes today at 10:30 A.M.

CLIPPING FROM THE

N.Y. Daily News

EDITION Final

DATE 2-10-66

PAGE 38

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NOT FORWARDED BY NY DIVISION X

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105-8999-1B-62

SEARCHED [redacted] INDEXED [redacted] b7C
SERIALIZED [redacted] FILED [redacted]
FEB 10 1966
FBI—NEW YORK

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Witness Puts 15X, Holding A Shotgun, Near Malcolm

Thomas 15X Johnson, on trial with two others in the slaying of Black Nationalist leader Malcolm X, was located by a prosecution witness yesterday as being near Malcolm when he was assassinated. The witness said Johnson was carrying a double-barrel shotgun.

Fred H. Williams, 33, Negro maintenance man, stepped from the witness stand in Supreme Court and pointed out Johnson as the man he saw near Malcolm X.

2 Others Accused

Malcolm, a defector from the Black Muslims, was shot down in the Audubon Ballroom, 116th St. and Broadway, last Feb. 21 as he was about to address 400 people.

On trial with Johnson is Thomas Hagan, also called Talmadge Hayer, 22, and Norman 2X Butler, 26.

Williams told Justice Charles Marks and a jury of three white women and nine men—three of them Negroes—he had been sitting in the eighth row when the shooting erupted.

"I heard a large bang from up front, and I pushed my wife to the floor," Williams said. "Then came a second bang—and a lot of pistol shooting."

Witness Identifies Them

When he raised his head, he saw Johnson facing away from the stage, clutching the shotgun, Williams testified.

Another witness, Charles H. Blackwell, 38, one of Malcolm's bodyguards, identified Hagan and Butler as the two men who created a diversion in the rear, then ran down the aisle, shooting at Malcolm.

The two are accused of pumping bullets into Malcolm after he was felled by a shotgun blast.

Trial resumes at 10:30 A.M. today.

CLIPPING FROM THE

N.Y. Daily News

EDITION Final

DATE 2-8-66

PAGE 24

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105-8999-B-61

SEARCHED [redacted] INDEXED

SERIALIZED [redacted] FILED

FEB 8 1966

FBI—NEW YORK

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Trial Continues:

Who Killed Malcolm X?

"The bullet that struck my client could have struck anybody else," stated the lawyer for the defense, in the three-week-old Malcolm X murder trial. He contends that the gunshot wound his client Talmadge Hayer received in the leg, at the murder scene, was only "the price" he paid "for cuniosity."

The prosecution claims that if Hayer was curious, his curiosity dealt only on the question of whether or not he could successfully murder Malcolm X. The bullet, fired by one of the Black Muslim bodyguards, was fired at the man whom he allegedly saw shoot Malcolm X.

This the prosecution hopes to prove with the testimony of Ruben Francis, Malcolm X's bodyguard, who is accused of wounding Hayer in the melee which followed the assassination.

With the testimony of Cary Thomas, last week, the prosecution established that all three defendants, Thomas Hayer, Norman Butler, and Thomas Johnson were at the scene of the crime. And that Hayer and Butler were sitting directly in front of Thomas as Malcolm X took the stage.

"What you doing with your hand in my pocket," Hayer was reported to have yelled at Butler.

(Continued on Page 2)

Malcolm X

(Continued from Page 1)

Thus all eyes focused on him, as Johnson walked up to the stage and shot Malcolm X with a sawed off shot gun. Johnson turned from the stage and Malcolm fell to the floor. Thomas then testified that Hayer and Butler ran to the stage and proceeded to pump 10 to 15 bullets into the prone body.

Thomas' testimony was frequently interrupted by objections from the defense attorneys who accused the district attorney of leading the witness. Judge Marks overruled most of the objections. He also overruled two motions for a mistrial by Hayer's attorney.

If convicted, the three defendants in the trial could get a maximum of life imprisonment, on the first murder charge. The death sentence was outlawed in New York, by the State Legislature, last year.

Hayer was rescued by police from the angry mob, when he was shot in the leg. Butler was arrested on February 25, and Johnson was arrested on March 3.

Hayer is expected to testify that he is not connected with any Muslim organization, and that he was just another spectator in the crowd. The defense attorney's case is based on the contention that testimony which might rise from mob hysteria can not be considered reliable.

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THE COURIER - February 5, 1966

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SEARCHED [redacted] INDEXED
SERIALIZED [redacted] FILED

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FBI — NEW YORK

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FD-116 (Rev. 7-27-62)

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Malcolm X Trial Calls Cop Again

The trial of three men accused of slaying Malcolm X will be resumed Monday in Supreme Court with the cross-examination of a policeman who rescued one of the defendants from an enraged mob.

The trial recessed yesterday after Lt. Alvin Aronoff described hearing shots in the Audubon Ballroom at 166th St. and Broadway last Feb. 21 and rushed in to find the crowd beating Thomas Hagan, 22, of Paterson, N. J.

Aronoff said he fired a shot into the air to save Hagan from the mob. Aronoff was being cross-examined by the defense counsel, Peter L. F. Sabbatino, when Justice Charles Marks adjourned the trial.

Aronoff was called to the stand after a mystery witness completed two days of testimony behind locked doors. The press and public were barred because the witness had expressed fears for his life and refused to testify unless the room was cleared.

The two other defendants on trial are Norman 3X Butler and Thomas 15X Johnson.

(Indicate page, name of newspaper, city and state.)

24 NEW YORK WORLD TELEGRAM AND SUN

Date: 2/5/66
Edition: SEVEN SPORTS
Author:
Editor: RICHARD D. PET
Title: MALCOLM LITTLE

Character: SM-NOI
or
Classification: BU 100-399
Submitting Office: NYO

[redacted]

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POLICEMAN IS HEARD AT MALCOLM X TRIAL

A police lieutenant, testifying yesterday in the trial of three men accused of killing Malcolm X, told how he and a patrolman had rescued one of the defendants from a rapidly growing mob.

The officer, Lieut. Alvin H. Aronoff, told the jury of nine men and three women that he was on radio-car patrol last Feb. 21 when he heard shots—two loud reports and then a series that he said sounded like "bing, bing, bing"—coming from the Audubon Ballroom at 166th Street and Broadway.

The Lieutenant, then a sergeant, said that moments after he got there the defendant, Thomas Hagan, ran out and was seized by a half-dozen men. They knocked him down and pummeled him, shouting, "He killed Malcolm! He killed Malcolm!"

Mr. Aronoff added that he had to pull his service revolver to get Hagan, who had been shot in the ankle, reportedly by one of Malcolm's bodyguards, away from the men and into the patrol car.

During the morning session a witness who reportedly said that his life would be endangered if he had to testify in open court, completed his testimony with reporters and the public excluded.

The trial will resume on Monday at 10.30 A.M. before Supreme Court Justice Charles Marks.

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MALCOLM TRIAL PUZZLE: WITNESS CLEARS COURT

By James W. Sullivan
Of The Herald Tribune Staff

Spectators and reporters were barred from the trial of three young men accused of the murder of Malcolm X when a prosecution witness reportedly refused to testify unless the court was cleared.

It was believed to be the first time reporters had been barred from a criminal trial in New York City since the 1955 trial of Mickey Jelke on vice charges.

The witness who got the court cleared was believed to be a tall, neatly dressed Negro called yesterday morning who immediately went into a private conference at the bench with Supreme Court Justice Charles Marks, lawyers for the prosecution and defense and his own attorney, identified as W. G. Sharp.

All parties were reluctant to talk about the conference, but it was learned that the man

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said he had received threatening telephone calls and was reluctant to testify unless the court was cleared.

It also was learned that objections to his demand were made by the six attorneys representing the accused, Thomas Hagan or Hayer, 22; Norman 3X Butler, 26, and Thomas 15X Johnson, 29.

Justice Marks called a long luncheon recess and, when the jury of nine men and three women was brought back to the courtroom at 2 p.m., ordered the press and public excluded.

EXAMINATION

The court remained closed throughout the afternoon, but it was learned that the witness underwent direct examination and was being cross-examined when the case was adjourned until 10:30 a.m. today.

There was no hint of whether the man was another in the long succession of eyewitnesses produced by Assistant District Attorney Vincent J. Dermody. Mr. Dermody charges that Mr. Hagan and Mr. Butler created a diversion in the Audubon Ballroom Feb. 21, 1965, while Johnson went to the stage and fired a sawed-off shotgun into Malcolm X and that Hagan and Butler then rushed to the stage and pumped pistol bullets into the Black Nationalist leader.

The courtroom on the 13th floor of the Criminal Courts Building has been under heavy guard during the two weeks of the trial because of the fear of retaliation by Malcolm's followers.

Court attendants have been reinforced with both uniformed and plainclothes policemen. A barricade has been thrown across the hall to limit entrance, and all spectators have been searched before entering the courtroom. Reporters have been required to wear their press cards at all times within the restricted area.

Witness Confirms

Uproar At Malcolm X Slaying

By RICHARD BENFIELD
(Staff Writer)

New York — A 54-year-old partment superintendent, who went to the Audubon Ballroom last February 21 to hear Malcolm X speak, said yesterday a disturbance broke out next to him moments before the Black Nationalist leader was gunned down.

Jasper Davis, the State's fifth witness in the trial of three men accused of killing Malcolm, testified Norman 3X Butler and a second man were sitting at his right as Malcolm began to speak.

Suddenly, said Davis, the pair jumped up and shuffled the chairs around as one of them shouted, "Get your hand out of my pocket."

Moments later, Davis continued, a man in front of him fired a shot at the stage where Malcolm was standing.

The statement followed testimony last week from the first State witness, Cary Thomas, in which Thomas said Talmadge Hayer of Paterson and Butler joined to create a disturbance while the third defendant, Thomas 15X Johnson, shot at Malcolm.

According to Thomas, a bodyguard for the Black Nationalist leader, Hayer and Butler then rushed up to the stage and pumped additional bullets into the fallen Malcolm.

Under questioning from Assistant New York County District Attorney Vincent J. Dermody, Davis, who claimed he was neither a follower of Malcolm nor a member of the Black Muslims, from which Malcolm broke, said he was three seats left of the center isle when Butler sat next to him.

As they waited for the program to begin, Davis said, he and Butler spoke briefly about the weather.

Later, the second man join Butler, taking the seat at the isle, the witness continued.

After speaking for a few moments, Davis said, the pair jumped up and caused the commotion. He acknowledged, however, he could not tell which man shouted about the hand in his pocket.

Three other State witnesses testified earlier that Hayer, also known as Thomas Hagan, did the yelling as he and Butler caused the disturbance.

Davis told the Court he hit the floor as soon as he heard the initial blast. Other shots followed, he said, but he didn't see who fired them.

"Can you tell us where these two men went?" asked Dermody.

"No," said Davis. "I can't." The witness said he later gave his information to police officers outside the ballroom.

CERTAIN OF IDENTITY

While Davis, who said he has never been convicted of any crime, told the Court he did not get a good look at the man sitting next to Butler, he said he was certain of Butler's identity.

"Is there any question about it?" asked Dermody.

"No question, whatever," Davis answered.

Davis, who said he went unaccompanied to hear Malcolm, said he was married, had a son, and had lived in New York since 1945.

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MALCOLM WITNESS HEARD IN SECRET

Visitors and Press Barred— Fear for Life Reported

By THOMAS BUCKLEY

Spectators and reporters were excluded yesterday from the trial of the three men accused of murdering Malcolm X when a witness reportedly stated that his life would be endangered if he was required to testify in open court.

For fear of violence by followers of the slain Negro leader, the courtroom has been heavily guarded since the start of the trial on Jan. 21. All spectators have had to submit to a thorough search before entering.

Justice Charles Marks, who is presiding, ordered the 13th-floor courtroom in the Criminal Courts Building cleared at the start of the afternoon session. He said he took the unusual but not unprecedented action "for reasons which will be stated on the record."

The witness, a tall, neatly dressed Negro who appeared to be in his 30's, was accompanied by a lawyer. Neither was officially identified but it was understood on good authority that the witness was a Transit Authority employe and a member of Malcolm's Muslim Mosque and the Organization of Afro-American Unity, the two organizations he set up when he split with the Black Muslims in 1964.

Defendant Identified

Under direct examination by Assistant District Attorney Vincent J. Dermody, he reportedly identified one of the defendants, Norman 3X Butler, as being present at the Audubon Ballroom last Feb. 21, when the slaying occurred.

He also was said to have stated that he had found one of the murder weapons, a .45-caliber automatic, and turned it over to the Federal Bureau of Investigation.

The appearance of the proverbial "mystery witness" injected some drama in a trial that has been thus far the laborious fitting together of a mosaic of identifications and partial identifications of the three accused men.

The jury of three women and nine men has heard only one witness, among the half-dozen witnesses who have already testified for the prosecution, state that all three of the defendants were at the ballroom with guns in their hands.

There are unconfirmed reports that the prosecution may call as many as 30 witnesses. Rumors that among them will be police undercover agents who saw the carefully planned assassination seem, however, to be without foundation.

At the time of the arrest of the three men, the police announced that they were believed to be a Black Muslim assassination squad carrying out orders to eliminate a dangerous heretic.

No Conspiracy Charged

One of them, Thomas Hagan, 22 years old, was captured in the ballroom, wounded and beaten, and the other two, Butler, 26, and Norman 15X Johnson, 30, were arrested at their homes in the Bronx.

Mr. Dermody says the three defendants are Muslims, but has not charged any conspiracy that might reach to Elijah Muhammad, the leader of the black supremacy cult.

Consequently, defense lawyers say, he has not provided a motive for the slaying except for the distaste the three may have felt personally for the former leader of Mosque No. 7 in Harlem.

In hammering cross-examination that Justice Marks, who has been on the bench for 28 years, has wearily described as "unduly prolonged," and in countless wrangles with both the judge and Mr. Dermody, the six defense lawyers seem to be

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laying the groundwork for their case.

It will allege that Malcolm was killed, not by Muslims, but by a conspiracy within his own organization, that Hagan was a victim of "mob identification" after he was coolly shot down by Reuben Francis, one of Malcolm's bodyguards, and that the other two were innocent victims of the plot who were not even in the ballroom.

Many of the spectators who watch the often slow-paced course of the trial are neatly dressed, clear-eyed young Negroes. Some are Muslims or followers of Malcolm. Others wear the red, green and black button of black nationalist groups. By and large, they refuse to answer questions from persons they do not know. They speak little even among themselves.

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Public Again Barred From Malcolm Trial

By GEORGE CARPOZI and JOSEPH MANCINI

The mystery witness whose fear for his life prompted the judge to clear the courtroom of press and public yesterday was returning to the stand again today to tell what he knows about the murder of Malcolm X.

And again the heavily-guarded 13th floor Supreme Court room was to be barred to spectators and reporters until the witness has completed his testimony.

The witness, a tall, lanky Negro who wears neatly tailored suits, is believed to have seen Malcolm gunned down in the Audubon Ballroom last Feb. 21.

Before Justice Marks reached his decision to keep press and public out of the courtroom while the witness was on the stand, the court was told of threatening phone calls and warnings the man received.

Justice Marks said:

"For reasons which will be stated on the record the court directs the captain and court officers to exclude all spectators, including representatives of the press, during the testimony of the next witness."

Although the proceedings continued with only Asst. DA Dermody, defense counsel, judge, and jury, it was learned the witness had undergone cross-examination by at least one of the attorneys, William C. Chance, counsel for defendant Norman 3X Butler, 26, of 661 Rosedale Av., the Bronx.

Chance, it was understood,

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was to continue questioning the witness today.

The other defendants are Thomas (Talmadge Hayer) Hagan, 22, of Paterson, N.J., and Thomas 15X Johnson, 30, of 932 Bronx Park S., the Bronx.

The accused, all charged with first-degree murder, are said to have assasinated Malcolm after he broke with the Black Muslims, to form the Afro-American Unity organization.

A witness on the stand before the proceeding were barred to press and public told of the fear Malcolm had for his own life.

"The power structure and the Black Muslims both were interested in his death," declared George Whitney, who had been a bodyguard for Malcolm.

Justice Marks' action in holding the proceedings without spectators and reporters was protested to the later. They asked unsuccessfully, for a meeting with the judge.

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DAILY NEWS, TUESDAY, FEBRUARY 1, 1966 • 18

2 Witnesses Finger a Pair In Mal X Trial

Thomas Hagan and Norman 3X Butler were identified by two witnesses in Supreme Court yesterday as two of the killers of Negro nationalist leader Malcolm X.

Butler, 26, of 661 Rosedale Ave., Bronx, and Hagan, alias Talmadge Hayer, 22, of 347 Marshall St., Paterson, N.J., are on trial for the slaying with Thomas 15X Johnson, 30, of 932 Park Bronx South, Bronx.

George Whitney, identified as a former member of the Black Muslim's Fruit of Islam security unit testified that when Malcolm X was shot Feb. 21 in the Audobon Ballroom he saw two figures run toward the back. "I saw the face of one of them as he ran past me," he said. "I had moved to stop him, but he fired a shot and I moved away."

"Looked Right on His Face"

Whitney stood and pointed at Hagan, identifying him as the man he had seen.

Earlier yesterday Edward Di Pina, a 70-year-old native of the Cape Verde Islands, stepped from the witness stand, pointed to Butler and said "This is the guy I saw shoot Malcolm X five times. I looked right on his face; I didn't move because I wasn't nervous."

The defense scored several points on the question of the reliability of Di Pina's memory of the night of the killing but was unable to shake the 70-year-old man's identification of Butler or Hagan whom he had earlier identified as one of the killers.

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Malcolm X Trial: First Link to Muslims

The Black Muslims were linked to the slaying of Malcolm X by a former bodyguard of the slain Black Nationalist leader, who was assassinated last February. It was the first time the link had been brought forth in nine days of testimony at the trial before Supreme Court Justice Charles Marks. During questioning, George 28X Whitney, the former bodyguard, said Malcolm had continously expressed fear that he would be killed, "saying that the power structure and the Black Muslims were both interested in his death." Attorneys for Norman 3X Butler and Thomas 15X Johnson, charged with the slaying, objected to the statement and Justice Marks ruled it would not be binding. Another witness brought before the jury, Jasper Davis, identified Butler as a man who engaged in an altercation in the Audubon Ballroom, where Malcolm was shot, just before the assassination.

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2 Witnesses Finger a Pair In Mal X Trial

Thomas Hagan and [redacted]X Butler were identified by two witnesses in Supreme Court yesterday as two of the killers of Negro nationalist leader Malcolm X.

Butler, 24, of 663 [redacted] Ave., Bronx, and Hagan, alias Talmadge Hayer, 22, of 345 [redacted] St., Paterson, N.J., are on trial for the slaying with Thomas 15X Johnson, 30, of 932 Park Bronx South, Bronx.

George Whitney, identified as a former member of the Black Muslim's Fruit of Islam security unit testified that when Malcolm X was shot Feb. 21 in the Audobon Ballroom he saw two figures run toward the

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WITNESSES POINT TO 2 IN MALCOLM SLAYING

Two witnesses, one a bodyguard for Malcolm X, identified two men yesterday as the ones who took part in the slaying of the Black Nationalist leader last Feb. 21.

The men identified were Thomas Hagan, also known as Talmadge Hayer, and Norman 3X Butler. Hagan, Butler and Thomas 15X Johnson are being tried in the slaying, which took place as Malcolm was speaking in the Audubon Ballroom, Broadway and 166th Street.

The witnesses clung to their accounts despite cross-examination by defense lawyers.

One, George 28X Whitney, testified he had been posted near the stage entrance to the ballroom shortly before the attack. Mr. Whitney was the fourth prosecution witness to place Hagan at the scene.

He said he had heard "a muffled sort of blast, which seemed to come from the center of the stage," followed by rapid shots from the same area.

He singled out Hagan as the man he had "grabbed by the collar" outside the ballroom. He also identified a .45-caliber automatic pistol shown by Assistant District Attorney Vincent J. Dermody as resembling the weapon fired by Hagan.

The second witness, Edward Di Pina, 70 years old, pointed to Butler and declared: "This is the guy I saw shoot Malcolm X five times." He also identified Hagan as one of the slayers.

Supreme Court Justice Charles Marks recessed the trial until 10:30 A.M. today.

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He rose from hoodlum, thief, dope peddler, pimp...to become the most dynamic leader of the Black Revolution. He said he would be murdered before this book appeared.

Much more than an absorbing personal narrative, THE AUTOBIOGRAPHY OF MALCOLM X is a testament of great emotional power, from which every American has much to learn.

It is one of the most revealing portraits of the Negro underworld ever written down—not by an outsider, but by one who was a part of it.

It is also a unique inside view of the "Black Muslims", as seen through the eyes of its master organizer, the magnetic and articulate leader, ultimately at odds with the movement he helped to build.

But above all, this book shows the Malcolm X that very few people knew, the man behind the stereotyped image of the hate-preacher—a sensitive, proud man whose plan to move into the mainstream of the Negro Revolution was cut short by a hail of assassins' bullets.

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This is how a hater of white men is made:

"I remember being suddenly snatched awake into a frightening confusion of pistol shots and shouting and smoke and flames. My father had shouted and shot at the two white men who had set the fire and were running away. Our home was burning down around us. We were lunging and bumping and tumbling all over each other trying to escape. My mother, with the baby in her arms, just made it into the yard before the house crashed in. The white police and firemen came and stood around watching..."

This is what it's like to pull a stickup:

"For working, I carried a .32, a .38 or a .45. I saw how when the eyes stared at the big black hole, the faces fell slack and the mouths sagged open. And when I spoke, the people seemed to hear as though they were far away, and they would do whatever I asked..."

This is how the vice trade of Harlem serves its white patrons:

"A madam I'd come to know introduced me to a special facet of the Harlem night world. It was the world where, behind locked doors, Negroes catered to moneyed white people's weird sexual tastes... Anything they could name, anything they could imagine, anything they could describe, they could do, or could have done to them, just as long as they paid... The perversities! I thought I had heard the whole range of perversities until I became a steerer taking white men to what they wanted..."

This is how to get the beginning of an education in prison:

"I spent two days just riffling uncertainly through the dictionary's pages. I'd never realized so many words existed! I didn't know which words I needed to learn. Finally, just to start some kind of action, I began copying. In my slow, painstaking, ragged handwriting, I copied into my tablet everything printed on the first page, down to the punctuation marks. I believe it took me a day. Then, aloud, I read back to myself everything I'd written. Over and over, aloud, to myself, I read my own handwriting..."

This is what it's like to be a man marked for death:

"Every morning when I wake up, now, I regard it as having another borrowed day. In any city, wherever I go... black men are watching every move I make, awaiting their chance to kill me... I know, too, that I could suddenly die at the hands of some white racists. Or I could die at the hands of some Negro hired by the white man. Or it could be some brainwashed Negro acting on his own idea that by eliminating me he would be helping out the white man, because I talk about the white man the way I do."

"This is indeed a great book...

Its dead level honesty, its passion, its exalted purpose, even its manifold unsolved ambiguities will make it stand as a monument to the most painful of truths."

–Truman Nelson, THE NATION

"A strong diagnosis of America's sickness in one Negro's odyssey... essential reading for anyone who wants to understand the plight of American Negroes... His description of the cut-throat competition between the hustlers and their fraternity is both frightening and moving. He recounts perversions with racial overtones, of white men begging to be beaten by black women, or paying large amounts to witness interracial sex that make Genet's *The Balcony* seem inhibited by comparison."

—Bayard Rustin, BOOK WEEK

"This extraordinary autobiography is a brilliant, painful, important book... As a document for our time, its insights may be crucial; its relevance cannot be doubted."

—NEW YORK TIMES

"In the agony of this brilliant Negro's self-creation [is] the agony of an entire people in their search for identity. No man has better expressed his people's trapped anguish."

—NEW YORK REVIEW OF BOOKS

"Filled with power and passion."

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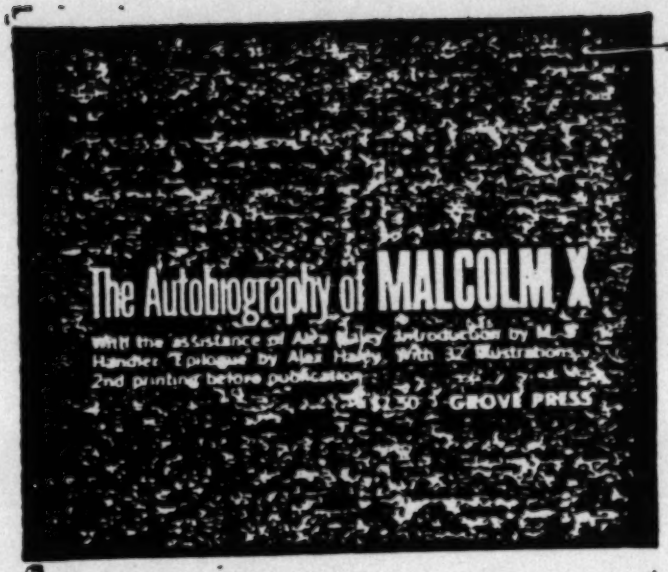

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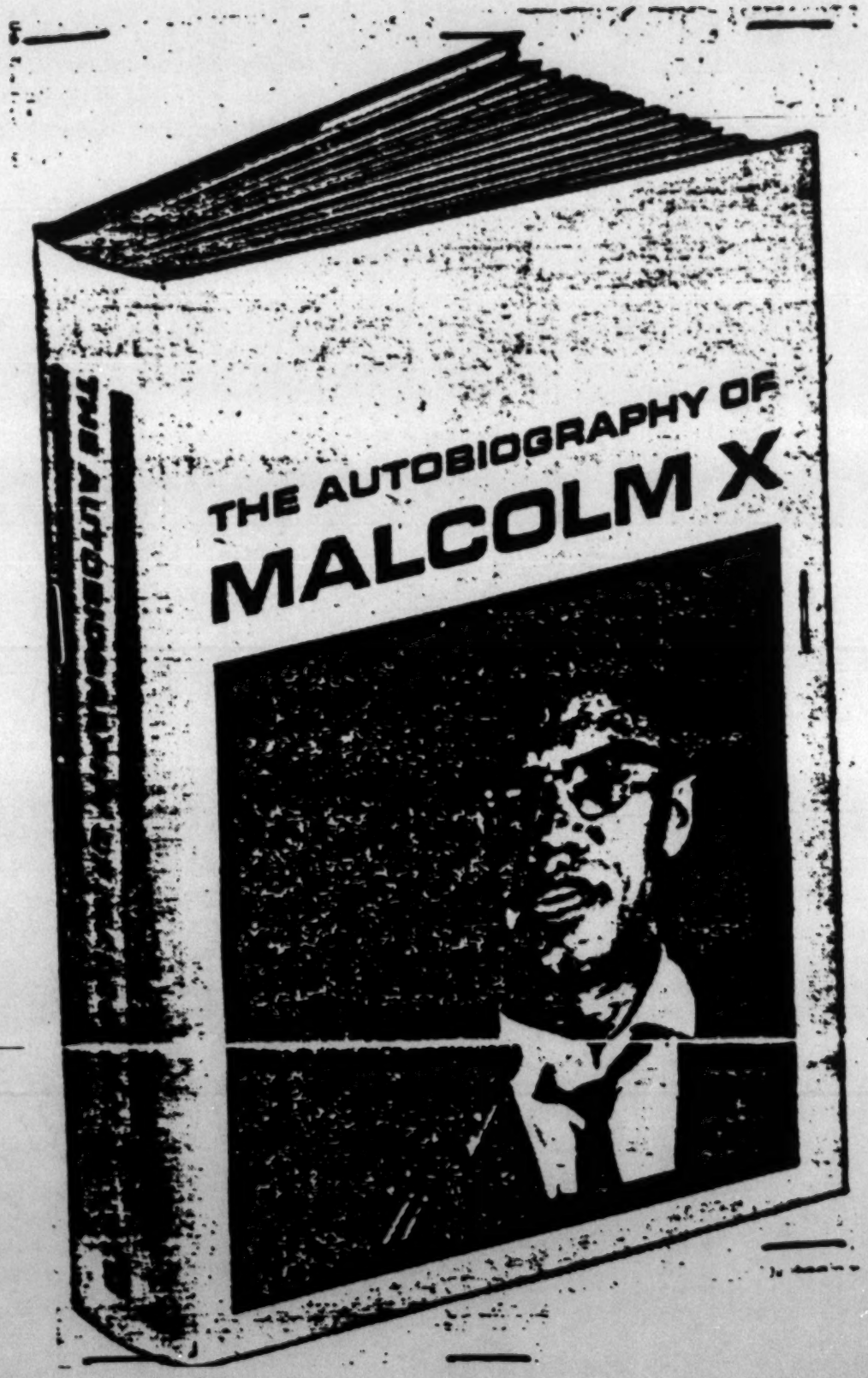
THE AUTOBIOGRAPHY OF
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Defense Still Tries To Shake Witness Of Malcolm Killing

Defense lawyers spent another day yesterday trying to shake the testimony of a bodyguard of Malcolm X.

The bodyguard, Cary 2X Thomas, has maintained under two and a half days of cross-examination that he saw the three men who are charged with the murder of the Negro leader standing over his body with guns in their hands.

Thomas was forced to admit that he had been incorrect in telling the grand jury that he knew that one of the defendants, Thomas Hagan, who is also known as Talmadge Hayer, was a member of the Black Muslim mosque in Jersey City.

Instead, Thomas said, he "assumed" that Hagan was a member because he had seen him with persons whom he knew to be members.

Assistant District Attorney Vincent J. Dermody has stated that he will prove Hagan was a member of the Muslims, but the allegation has been flatly denied by Hagan's lawyer, Peter L. F. Sabbatino.

The other defendants, Norman 3X Butler and Thomas 15X Johnson, are acknowledged members of the Black Muslims.

The slaying took place last Feb. 21 while Malcolm, who had broken with the Muslim leader, Elijah Muhammad, was addressing a public meeting at the Audubon Ballroom, Broadway at 166th Street.

The trial, before Justice Charles Marks, in the Criminal Term of State Supreme Court, will continue today.

CLIPPING FROM THE

N.Y. Times

EDITION Late City

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~~WITNESS RECALLS~~ MALCOLM KILLING

Points Out 3 Men Accused of Slaying as Trial Opens

By THOMAS BUCKLEY

A former member of the Black Muslims said yesterday that he saw the three men accused of murdering Malcolm X standing over his body with guns in their hands.

The testimony was given on the first day of the trial in the Criminal Term of Supreme Court here by Cary Thomas, a one-time narcotics addict who followed Malcolm when he broke with the Black Muslims and formed his rival Organization of Afro-American Unity.

The 35-year-old Thomas, who has been held in jail as a material witness since last March then left the witness box.

With his right arm extended from index finger to shoulder he pointed out one of the defendants, Thomas 15X Johnson, as the man he saw holding a sawed-off double-barreled shotgun moments after Malcolm X was cut down by two shots fired at point-blank range.

Standing a few feet from the defendant, Thomas said coldly, "This is the man—Thomas 15." The defendant stared back at him without expression.

Then, he said, he saw the other two defendants, whom he also pointed out, Thomas Hagan, also known as Talmadge Hayer, and Norman 3X Butler, run to the stage from which Malcolm had been speaking and begin firing into his prone body.

"I didn't see the guns," said Thomas, who bore the Muslim name of Abdul Malik, "but I saw the pumping motion."

Slaying Pantomime

In pantomime he showed the arms of the accused assassins snapping up after each shot, leveling their weapons and seeming to fire again.

As Thomas spoke, the crackling volleys of firecrackers being set off in Mott Street, a few blocks away, to celebrate the Chinese New Year, drifted into the dimly lighted 13th-floor courtroom in the Criminal Courts Building.

The murder took place last Feb. 21, on a Sunday afternoon, at the Audubon Ballroom at Broadway and 165th Street. Malcolm X was holding a series of meetings to gain adherents for his new organization.

The prosecution contends that Butler, who is 26, and Johnson, 30, were "enforcers" for the Muslims, and that they and Hagan, who has not yet been identified as a member of the cult, were assigned to kill him because of his defection and his repeated accusations of personal immorality against the head of the organization, Elijah Muhammad.

There was tension in the air as the trial, which is expected to last four or five weeks, began. All spectators were carefully searched behind closed doors by court attendants and policewomen before being allowed to enter the courtroom.

Several detectives and uniformed patrolmen stood in the gloomy, cigarette-littered corridor.

Courtroom Not Filled

Although the murder, which came after repeated statements by the death-haunted Malcolm that he could not avert the vengence of the Muslims, attracted worldwide attention, the 84 seats in the courtroom were not fully occupied.

Many spectators, including a dozen or so retired men who are regulars at important trials, did not return after the luncheon recess.

In the morning they heard Assistant District Attorney Vincent J. Dermody, a wiry, seam-faced man who has been a prosecutor for 25 years, sketch in the outlines of his case.

Speaking in an even, dispassionate voice, he said, "We expect to show that there came a time . . . that by a prearranged plan Butler and Hagan created a disturbance to attract attention." (One accused the other of trying to pick his pocket.)

When the crowd of about 200 turned away from the stage and Malcolm shouted, "Hey, brothers, let's cool it," Mr. Dermody said that Johnson walked quickly up the aisle, pulled the shotgun, cut down to about 16 inches in length, from under his coat and fired.

Peter L. F. Sabbatino, representing Hagan, was the only defense lawyer to make an opening statement.

The trial before Justice Charles Manks will resume at 11 A.M. Monday.

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N.Y. Herald

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DATE 1/22/66

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(Continued on Page Two)

Protect Malcolm X Jurors

By GEORGE BARNER

In a chill and high-ceilinged court room in the corner of the thirteenth floor of the Manhattan Criminal Courts Building at 100 Center St., the majesty of New York justice, after eleven months of backing and filling, has brought three men to the bar as the accused slayers of Muslim defector Malcolm X.

The three—Thomas Hagan alias Talmadge Hayer, 22; Norman 3X Butler, 26; and Thomas 15X Johnson—sit at a long counsel table surrounded by their six defense lawyers. Their table, on the business side of the thick wooden rail that separates the officers of the court from the spectators, is turned at a slight angle giving them a predominantly head-on view of the trial judge, Supreme Court Justice Charles Marks.

(Continued on Page Two)

NORMAN 3X BUTLER

THOMAS 15X JOHNSON

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—Malcolm X

(Continued from Page One)

and of the gradually filling jury box across the floor to the judge's right.

The district attorney's table, occupied by Assistant DA's Vincent J. Dermody and Gerald Ryan, is directly in front of the jury box. The defendants have to incline their eyes sharply to the left to take in a full view of their prosecutors. Their lawyers have gotten around this by turning their chairs at right angles to their table.

The trial, postponement of which for ten months after the defendants had been indicted led to formation of a committee purportedly to campaign for justice for Malcolm X, has been mired in the vital tedium of jury picking since it was declared open last Wednesday, Jan. 12.

Lawyers for both sides have indicated that the trial will mirror two aspects of Malcolm's later public life: It will be windy and fiery. A third aspect which it is not likely to share is brevity.

Best indication at this writing are that the process will endure for roughly 30 days and possibly more.

The prosecution gave sign from the outset that religion is to be a main focus of the proceeding, a development which at least two thirds of the defense lawyers have tried to prevent.

"The only thing involved here is whether these men committed this specific act," one defense attorney put it.

The prosecution would like to show that the act of murder was the culmination of an inherent plausibility arising in the nature of the tenets and practices of the religion taught by Mr. Muhammad and by Malcolm X until his defection.

Three jurors were dismissed on the first day of selection because of their statements in answer to religious questions.

May Call FBI

The possibility of explosive testimony from agents of the FBI or the special investigations units of the city police was raised also by defense lawyers who have taken specific pains to inquire whether prospective jurors are likely to give more credence to this breed of witness than any other.

Dermody and Ryan reportedly will adduce much testimony from eyewitnesses in support of their case. Defense attorneys, subtly edging into their counter position, have interrogated prospective jurors closely about mass hysteria and mob psychology, apparently with a view to challenging the reliability of eyewitnesses in the confusion that surrounded the killing.

Justice Marks denied a defense motion at the trial's outset to change venue on the ground that a fair trial could not be obtained owing to prior press publicity.

Spectators have been barred from the trial room during the picking of the jurors. The room is filled only with the 170 talesmen from whom the jury is selected, plus a liberal sprinkling throughout of plainclothes patrolmen and detectives.

The tight security precautions will be maintained for the duration of the trial but it is expected that the general public will be admitted as spectators once the taking of evidence has begun.

(2)

To Discuss Malcolm X

A 5-hour program devoted to Malcolm X will highlight the Long John Nebel talk show on WNBC radio on Thursday, Jan. 27 when only Long John and his guest, actor P. Jay Sidney will evaluate the slain nationalist leader.

The show starts at 12 Midnight and ends at 5 a.m. and normally carries three or four people discussing various issues with Long John.

On the show devoted entirely to Malcolm X, Long John and Sidney will take telephone calls from listeners throughout the show as they discuss Malcolm.

Who's Who At Malcom X Trial

Malcolm X, fiery orator who defected from Elijah Muhammad Nation of Islam (so-called "Black Muslims") to found his own black nationalist movement, was fatally blasted with shotgun and pistols on Feb. 21, 1965, as he addressed some 400 persons in the Audubon Ballroom, 166th St. off Broadway.

Three men, allegedly linked to the Black Muslims, were arrested within two weeks of the killing, indicted last March and are now on trial in Manhattan Supreme Court.

The defendants are: Thomas Hagan alias Talmadge Hayer, 22, of 347 Marshall St., Paterson, N.J. accused of having wielded the shotgun; Norman 3X Butler, 26, of 661 Rosedale Ave., Bronx; and Thomas 15X Johnson, 30, of 932 Bronx Park South, Bronx.

Each of the defendants is represented by two attorneys. Hagan, who dismissed the two attorneys originally appointed him by the court, engaged for a fee Peter L. F. Sabbatino, of 233 Broadway, and John J. Yellin, of 117 Liberty St.

Butler's lawyers are William C. Chance, of 225 Broadway, and J. B. Williams, of 1261 Fulton St., Brooklyn. Counsel for Johnson are Charles Beavers of 209 W. 125th St. and Joseph Pinckney, 360 Lenox Ave.

Prosecuting the case for the People are Assistant District Attorneys Vincent J. Dermody and Gerald Ryan. Justice Charles Marks is presiding.

Jury Picked In Trial

12 talesmen have been selected thus far to serve on the jury which is to try the three young men accused of killing Malcolm X.

When the selection is completed, fourteen men and women will occupy the jury box—twelve jurors and two alternates.

Those chosen at this writing include:

1. George S. Carter a chemist and city public health sanitarian. Carter, a Negro, is jury foreman Carter, a Negro, is jury foreman by virtue of being the first chosen.
2. Reginald H. Brent, a subway motorman for the Transit Authority. Also a Negro.
3. Mrs. Sophie Belenky, a former nursery school teacher and wife of a retired retail jeweler.
4. Robert Hixon, a signal maintenance man for the Transit Authority.
5. Frederick R. Carusen, a linotype operator for the New York Journal American.
6. Gerald N. Sullivan, staff assistant, sales department of the National Biscuit Company.
7. Mrs. Veronica L. Camilletti, wife of a retired carpenter-contractor.
8. Vincent T. LaPiana, Sanitation Department worker.
9. Thomas Makwecwicz a draftsman.
10. Gordon B. Findlay, chemist for Charles Pfizer Co.
11. Miss Marjorie E. Feddeman, secretary.
12. Clarence A. Caulk, mail clerk, Socony Mobile Oil Co.

Caulk was the third Negro named to the jury.

The Amsterdam News is in possession of the addresses of the jurors (all of whom reside at various locations in Manhattan), but, in accordance with a court procedure established on the fifth day of the selection, is withholding them from publication for the security of all concerned.

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'I Was Afraid,' A Malcolm X Witness Says

Because he feared that "I might be killed myself," one of Malcolm X's bodyguards withheld for ten days the identity of the Black Nationalist killers, he testified yesterday in Supreme Court at the murder trial of three suspects.

"I didn't know whom I could tell it to," said Cary 2X Thomas, a husky balding man, disclosing that he had not identified the men to fellow followers of Malcolm.

"I Was Afraid"

"I didn't know who was who. The organization was wide open, and I was reluctant to tell anyone. I was just afraid," he said.

Malcolm was shot last Feb. 21 as he was about to address 400 persons in the Audubon Ballroom, 166th St. and Broadway. It was March 2 before Thomas told police the asserted killers were Thomas Hagan, also known as Talmadge Hayer, 22; Norman 3X Butler, 26, and Thomas 15X Johnson, 30.

After more than three days of cross-examination, Thomas was excused late yesterday. He admitted that, though armed, he had made no effort to protect Malcolm, because he didn't want to hit women and children who were in the audience.

The defense brought out that for two years Thomas had used and sold heroin and that in the Army, he had faced three general courts martial, and at least four summary courts martial.

The trial will resume at 11 A. M. today.

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N.Y. Daily News

EDITION Final

DATE 1-27-66

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MURRAY KEMPTON

The Mystery Witness

MALCOLM X was assassinated in the company of at least 300 persons; and yet, whatever has any chance of being the official truth about that scene would seem to depend largely on the credibility of just one of them, Cary Thomas, one of Malcolm's bodyguards.

On Friday, Cary Thomas identified Talmadge Hagan, Norman Butler and Thomas Johnson as Malcolm X's assassins. He had known them all at Temple of Islam Number Five, where Malcolm was minister and from which Malcolm was driven by Elijah Muhammed in 1964 and from which Cary Thomas followed Malcolm and in which he presumes Hagan, Thomas and Butler stayed faithful to Elijah.

How well they knew one another is hard to judge; Cary Thomas identified Johnson only as Thomas 15, his Muslim number. It appears to be an order of long silences and sparing communications; even now, after two years of apostasy, Cary Thomas waited a long time before answering questions of the smallest danger. He is a man who plainly gives no information until he is asked for it and only when his memory instructs him that he has previously decided to answer it.

He remains a Moslem; he has called himself Abdul Malik. He was asked yesterday what were the aims and objectives of the Muslim Mosque, Inc., Malcolm X's last temple and he answered, "I am not qualified because I was only a member."

And he had no way of knowing all the doctrines because Malcolm X "was still writing them at the time of his death." It is sad to confront a man whose faith remains incomplete because it was unrevealed at the time of its prophets's death; but any grief or loss Cary Thomas felt was contained behind the veiled eyes in his large head. Once William Chance, Butler's lawyer, asked him if he had not loved Malcolm X. "He was all right," Cary Thomas answered in a voice with no trace of sentiment. The old Muslim mystery endured; there was no way to tell whether the voice was cold or contained.

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HEREIN IS UNCLASSIFIED
DATE 1/4/84 BY SP4 JTH/LWE/ADD

(Indicate page, name of newspaper, city and state.)

21 NEW YORK WORLD TELEGRAM & SUN

Date: 1/25/66
Edition: METRO
Author: MURRAY KEMPTON
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
or
Classification: BU 100-399321
Submitting Office: NYO

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FBI - NEW YORK

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The hardest thing to understand was why such a man had gone to the police. None of the rest of Malcolm's troopers has; this is a society committed to the doctrine of Sam Spade, which was that he buried his own dead without assistance from the police. Thomas had first told his story a month after Malcolm X was murdered and then only, he was careful to insist, when the police asked him. He has since been held as a material witness, a restive one and a prisoner now, because he got himself accused of burning his mattress in the civil jail two months after he was committed.

Before he became a Muslim, Cary Thomas had been a soldier, court-martialed more times than he could quite remember and had been convicted for possession of heroin.

It was a life history not unlike that of many Muslims before they were redeemed, but the defense attorneys understandably made much of it. They made even more of the condition that Cary Thomas had gone armed to the scene, and had watched the events he so precisely described without drawing his pistol in defense of his minister. Cary Thomas could not explain that; he went on insisting that, though he had been on occasion a member of Malcolm's security guard, he did not think he was assigned that afternoon. No, he could not recall who else had belonged to the security guard; perhaps, long after they are useless, there are secrets which go on being a habit.

But then perhaps Cary Thomas is protecting persons with whom he has no bond except the common, unnecessary shame of that afternoon. Malcolm X always said that to be a Muslim was to know no fear. These guards of his had presumably all been with him in the Muslim temple and had departed with him, the best exterior proof of their personal loyalty. And then all but one of them had frozen on the afternoon of his murder.

But then, an assassination is an occasion larger than the ordinary moments of emergency and one before which any man could stop in horror. Still, Cary Thomas could very well have thought that he had surrendered to that fear which Malcolm had thought banished from him. Perhaps that loneliness took him to the police, to sit still suspended for 10 months and now appear so careful to tell no more than he did the first day. But who can say what is true or what false in that world?

Malcolm X Trial Witness Identifies 3

In a tense courtroom, where 60 spectators had been frisked before being admitted, a balding Negro who defected from the Black Muslim sect put the finger yesterday on three suspects in the assassination of Malcolm X.

Carl Thomas, known as Abdul Malik, 35, put the three accused assassins at the murder scene, with guns in their hands.

Three times he stepped from the witness stand to point out the suspects — Thomas Hagan, also known as Talmadge Hayer, 22; Norman 3X Butler, 26, and Thomas 15X Johnson, 30.

Points Out Roles

He identified Hagan and Butler as the men who staged a diversionary argument, while the third assassin blasted Malcolm X in the chest with a shotgun at the Audubon Ballroom, 166th St. and Broadway, last Feb. 21.

Thomas identified Johnson as the man standing near the stage with a shotgun in his hand, as Malcolm's body lay prone on the floor.

The witness then moved to Johnson and pointed to the light-skinned Negro, who stared icily at his accuser. When Butler was singled out, he slumped in his chair and glared back at Thomas.

Thomas said he had met Johnson while a member of the Black Muslim sect, from which he separated in 1964 to join the Afro-American Unity movement founded by Black Muslim defector Malcolm X.

Trial Reconvenes Monday

The witness, held since March in $50,000 bail as a material witness, will be cross-examined when trial reconvenes at 11 A.M. Monday.

He admitted being convicted in 1961 in Massachusetts for possession of narcotics. He drew a two-year suspended sentence.

Veteran observers in the heavily-guarded courtroom of Supreme Court Justice Charles Marks could remember [illegible] the frisking.

CLIPPING FROM THE

N.Y. Daily News

EDITION Final

DATE 1-24-66

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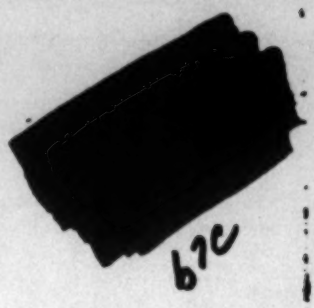

Jury Selection Completed In Malcolm Murder Trial

The selection of a jury for the trial of the three men accused of having killed Malcolm X, the Negro leader, was completed yesterday. The panel comprises nine men and three women. Three of the men, including the foreman, George Carter, a chemist, are Negroes.

Those chosen yesterday were Miss Marjorie D. Fedderman, a secretary, Gordon Findley, a chemist, and Clarence A. Caulk, a mail clerk. Four alternates are expected to be chosen today, when the prosecution and defense make opening statements.

The accused are Thomas Hagan, also known as Talmadge Hayer, 22 years old, of 347 Marshall Street, Paterson, N. J.; Norman 3X Butler, 26, of 661 Rosedale Avenue, the Bronx, and Thomas 15X Johnson, 30, of 933 Bronx Park South, the Bronx.

Butler and Johnson are members of the Black Muslims, the organization with which Malcolm broke several months before his death. They and Hagan are accused of having shot Malcolm as he addressed a meeting at the Audubon Ballroom.

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N.Y. Times

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Hunted Malcolm X Aid Is Grabbed in Court

A reputed bodyguard of the late Black Nationalist leader Malcolm X, who has been sought as a material witness to Malcolm's assassination since last Feb. 21, was seized by detectives yesterday as he sat in the courtroom where three men are on trial for the killing.

The sought witness was George Whitney, also known as George 23X. He was taken away for questioning.

Whitney, it was learned later, was questioned briefly in the district attorney's office and then was permitted to leave. He returned to the courtroom.

Those on Trial

On trial in Criminal Part of Supreme Court are Thomas Hagan, 22; Norman 3X Butler, 26, and Thomas 15X Johnson, 30. They are accused of fatally gunning down Malcolm X last Feb. 21 at a Black Nationalist rally in the Audubon Ballroom, 166th St. and Broadway.

On the witness stand when Whitney was flushed out from among the spectators was another of Malcolm's bodyguards, Cary Thomas, 35. Despite a hammering cross-examination, he clung to earlier testimony that Hagan was present in the ballroom with a gun in his hand at the time of the assassination.

Thomas admitted under quizzing by Hagan's chief attorney, Peter L. F. Sabbatino, that he had carried a gun since he was 15 and that he had not only used heroin but had been a dope pusher for two years.

Spectators Frisked

Spectators seeking admission to the 13th-floor courtroom of Justice Charles Marks were frisked by police before being admitted. The courtroom has been heavily guarded to thwart any attempt by Malcolm's followers to avenge his death.

The trial resumes today at 11 A.M.

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Two Malcom X Jurors Chosen

The home addresses of the remaining jurors to be chosen for the trial of three men accused of having killed Malcolm X, the black nationalist leader, will be kept confidential to protect them from possible harassment, Justice Charles Marks ruled yesterday. Two members of the panel were picked on the third day of the trial yesterday, bringing the total to six. They were Frederick R. Caruso and Gerald M. Sullivan.

CLIPPING FROM THE

N.Y. Times

EDITION Late City

DATE 1/16/66

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Malcolm X Witness Is Sought

New York (UPI) — A lawyer for one of three men accused of the public assassination of Black Nationalist leader Malcolm X said yesterday he would subpoena court records to disclose the whereabouts of a key witness in the long-awaited trial.

Attorney William C. Chance Jr., said he was seeking to confirm or deny reports that Ruben Francis, 33, a chief lieutenant for the slain Malcolm, jumped $10,000 bail on a felonious assault and weapons charge and was hiding in Mexico.

Francis, of Manhattan, allegedly shot and wounded one of the defendants, Thomas Hayer, 22, of Paterson, N.J., on a stairway of the upper Manhattan Audubon Ballroom minutes after Malcolm X was gunned down in a hail of bullets and shotgun pellets.

Two other defendants in the first degree murder trial, Norman 3X Butler, 26, and Thomas 15X Johnson, 29, both of the Bronx, were arrested 10 days later.

Assistant District Attorney Vincent J. Dermody, prosecutor in the case that began January 12, refused to comment on the status of Francis. He told newsmen "I prefer not to discuss that aspect."

Chance, who is defending Butler, said he became baffled over Francis's whereabouts when records in the criminal court clerk's office did not disclose a proper disposition.

Malcolm X was shot down last February 21 as he started an address in a Black Nationalist rally in the ballroom at Broadway and 166th Street.

Four jurors have been selected to date and the selection was expected to be complete by tomorrow or Thursday. The three suspects were tightly guarded as they sat in the court room to discourage possible reprisals by Malcolm's sympathizers.

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Eight Jurors Still Needed in Malcolm Case

By JOSEPH MANCINI

Under a tight veil of security precautions, jury selection resumed today at the trial of the three men accused of slaying Black Nationalist leader Malcolm X.

The three, identified as Black Muslims, are charged with killing Malcolm "with a shotgun and pistols" as he addressed a rally of 400 at the Audobon Ballroom, 166th St. and Broadway, on Feb. 21, 1965.

Bitter Struggle

Malcolm, former chief spokesman for the Chicago-based Black Muslim movement, defected from the group a year before his death to organize his own Black Nationalist party.

The split ended Malcolm's 12-year association with the Elijah Muhammed-led separatist movement and generated a bitter power struggle between the dissident groups and their leaders.

To guard against possible outbreaks of violence by adherents of either faction, five patrolmen and several detectives stand outside the 13th-floor courtroom daily to screen those seeking to gain entrance.

Detectives are also scattered among the spectators and prospective jurors, and an extra contingent of court officers has been provided.

The defendants are Thomas Hagan, alias Talmadge Hayer, 22, Paterson, N. J.; Norman 3X Butler, 26 of 951 Rosedale Av., The Bronx, and Thomas 15X Johnson, 30, of 932 Bronx Park So., The Bronx.

Eyewitness Stories

Assistant District Attorneys Dermody and Ryan reportedly will rely heavily on eyewitnesses to prove their case. From the questions defense attorneys have been asking prospective jurors about "mass hysteria" and "mob psychology," they apparently will try to show that such testimony is unreliable in the light of the confusion that followed the slaying.

At the outset of the trial, Hayer's attorney, Peter L. F. Sabbatino, moved for a change of venue on the ground his client could not obtain a fair trial because of the widespread headlines the killing attracted here. Supreme Court Justice Marks denied the motion.

Four jurors, two Negro and two white, were selected last week.

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N.Y. Post

EDITION Late City

DATE 1/12/66

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Malcolm Jury Grows to Four

Three more jurors were chosen yesterday, making four in all, for the first-degree murder trial of three men in the assassination of Malcolm X, Black Nationalist leader who was shot down in the Audubon Ballroom, 166th St. and Broadway, last Feb. 21.

The jurors, given the oath in Supreme Court, were:

Reginald H. Brent, a Negro, a motorman for the Transit Authority, of 42 W. 138th St.; Mrs. Sophie Belenky, a retired jeweler, of 11 E. Ninth St., and Robert Hixon, a Transit Authority signal maintainer, of 11 Eldridge St.

The first juror, chosen on Wednesday, and thus automatically the foreman, was George Carter, a Negro chemist, of 2181 Madison Ave.

On trial are Thomas Hagan, 22, of Paterson, N. J., also known as Talmadge Hayer; Norman 3X Butler, 26, of 661 Rosedale Ave., and Thomas 15X Johnson, 30, of 932 Bronx Park South, both Bronx. According to police, Butler and Johnson belong to the Black Muslim movement, which ousted Malcolm X in 1963.

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N.Y. Daily News
EDITION Final
DATE 1/05/66
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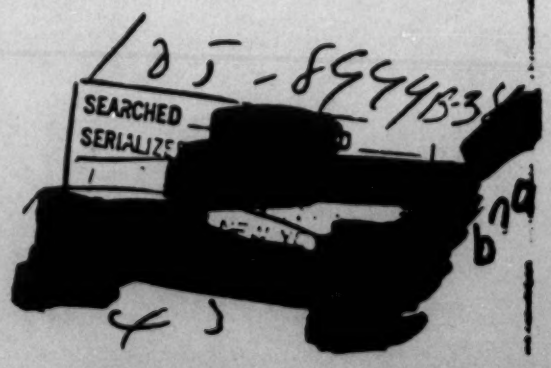

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Malcolm X Trial Focuses On Religion

By LARRY VAN GELDER
Of the World-Telegram Staff

Religious belief loomed today as a crucial element in the trial of three men—two of them described by police as Black Muslim "enforcers"—for the murder of black nationalist leader Malcom X.

As examination of prospective jurors entered its third day in Criminal Court, both defense and prosecution were expected to pursue the line of questioning employed yesterday when no talesman were chosen.

Three of the five men and women examined were questioned about their belief in a Supreme Being, and two were dismissed when they told the court they did not believe in such a deity. A woman who did was questioned extensively about whether it would make a difference if a person affirmed to tell the truth rather than swearing it, and was also questioned about Islam.

3 Postponements

Charged with the assassination of Malcolm X last Feb. 21 before 400 persons gathered in the Audubon Ballroom at 165th St. off Broadway are:

Thomas Hagan, also known as Talmadge Hayer, 22, of 347 Marshall St., Paterson, N.J., and the two alleged "enforcers," Norman 3X Butler, 26, of 661 Rosedale Ave., and Thomas 15X Johnson, of 932 Bronx Park South, both the Bronx.

Their trial, originally expected to begin late last summer, was finally placed on the court calendar for December. But it was postponed because the court did not wish to inconvenience jurors at Christmas time. The start of the subway strike brought another postponement.

Hustler's Career

Malcolm X, born Malcolm Little in Omaha, Neb., son of a West Indian mother and a father who was a Baptist Minister on Sunday and a back-to-africa movement organizer the rest of the week, was 39 years old when he was shot to death.

In prison for burglary at 21 after a career as a petty hustler, Malcolm seized on the teaching of Elijah Muhammad, the Black Muslim leader.

Following his release from prison, the eloquent Malcolm rose rapidly in the Muslim ranks, reaching such stature that he was regarded as a threat to Elijah's leadership. He was expelled from Muhammad's Nation of Islam after the assassination of President John F. Kennedy, an event he described as a case of "chickens coming home to roost."

Mecca Pilgrimage

Many observers believed Elijah had used the Kennedy remarks as a pretext for ridding himself of a dangerous rival. Malcolm then made a

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(Indicate page, name of newspaper, city and state.)

6 NEW YORK WORLD TELEGRAM & SUN

Date: 1/14/66
Edition: METRO
Author: LARRY VAN GELDER
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
or
Classification: FBI 100-399321
Submitting Office: NYO

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b7C

105-8999B-37

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Malcolm X
3 on trial in assassination

pilgrimage to Mecca, where he became El-Hajj Malik El Shabazz.

From the time of his split with Elijah, Malcolm was subjected to a series of threats on his life. He traveled with bodyguards, but he had concluded early in his life that he would die violently.

And on a Sunday last February, he did.

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N.Y. Times

EDITION Late City

DATE 1-14-66

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Jury Selection Is Lagging In Malcolm X Murder Case

Defense and prosecution lawyers failed yesterday to pick any more jurors in the case of three men accused of slaying Malcolm X, the black nationalist leader.

The lawyers questioned half a dozen prospects in an abbreviated session in Supreme Court. The court will convene for a full day today, beginning at 10:30 A.M.

The defendants are accused of the fatal shooting of Malcolm on Feb. 21, 1965, as he addressed a gathering in the Audubon Ballroom at 166th Street and Broadway.

The one juror chosen so far is George Carter, a Negro chemist. He was picked Wednesday.

The defendants, who are being tried for first-degree murder, are Norman 3X Butler, 26 years old, of 461 Rosedale Avenue, the Bronx; Thomas 15X Johnson, 30, of 932 Bronx Park South, the Bronx, and Thomas Hagan, 22, of Paterson, N. J.

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Selection of Jury Starts In Malcolm X Murder Case

The picking of a jury in the case of three men accused of killing Malcolm X, the Black Nationalist leader, began yesterday in Supreme Court. One juror had been chosen when court was adjourned at 2 P.M. by Justice Charles Marks.

The first juror is George Carter, a Negro chemist of 2181 Madison Avenue, who automatically became the jury foreman.

Malcolm X was killed Feb. 21, 1965 by shotgun and pistol shots while he was making a speech in the Audubon Ballroom at 166th Street and Broadway. The defendants, have been identified as members of the Black Muslim movement, from which Malcolm had defected. They are Norman 3X Butler, 26 years old, of 661 Rosedale Avenue, the Bronx; Thomas 15X Johnson, 30, 932 Bronx Park South, the Bronx, and Thomas Hagan, 22, of Paterson, N. J.

CLIPPING FROM THE

N.Y. Times

EDITION Late City

DATE 1/13/66

PAGE 19

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NOT FORWARDED BY NY DIVISION X

105-8999B-35

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HEREIN IS UNCLASSIFIED
DATE 1/4/84 BY 8425 JHE/WEB/dd

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CLIPPING FROM THE

N.Y. Daily News

EDITION Final

DATE 1-13-66

PAGE 7

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NOT FORWARDED BY NY DIVISION X

1 Juror Picked In Malcolm X Murder Trial

Trial of three men on charges of assassinating black nationalist leader Malcolm X opened yesterday in Supreme Court. One juror, George Carter, was selected and became the foreman.

Justice Charles Marks adjourned the court at 2 P.M. until 10:30 A.M. today and announced that all sessions will be brief while the transit strike continues.

Accused of killing the Black Muslim defector last Feb. 21 in an Upper West Side ballroom are: Thomas Hagan, 22, of Paterson, N. J.; Norman 3X Butler, 21, of 661 Rosedale Ave., and Thomas 15X Johnson, 29, of 932 Bronx Park South, both Bronx.

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DATE 1/4/84 BY 8269 THE/WEB/[redacted]

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Stop-and-Go Malcolm Jury Box

The selection of a jury for the Malcolm X murder trial was unexpectedly resumed yesterday in Manhattan Supreme Court.

Justice Charles Marks had announced last week that the selection would be postponed until after the transit strike. But Tuesday, he ordered that telegrams be sent to 117 talesmen, directing them to report to 100 Centre St. at 10 a. m. yesterday. About 60 showed up.

Justice Marks said that he had changed his mind about the delay because New Yorkers apparently were getting around the city all right, despite the strike.

After two hours of motions, denials, and questioning of prospective jurors, one juror was selected. He is George S. Carter, a Negro, of 2181 Madison Ave., a city public-health sanitarian.

One other prospective juror was excused and another was challenged by the defense.

If yesterday was any indication, the selection of the jury will be a slow process. Each prospective juror was questioned at length by Assistant District Attorney Vincent Dermody and by one or more of the six lawyers representing the defendants. Each of the

CLIPPING FROM THE

N.Y. Herald Tribune

EDITION Late Ed.

DATE 1-13-66

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FORWARDED BY NY DIVISION ___

NOT FORWARDED BY NY DIVISION X

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/4/84 BY 8269 JHE/WEB/dlc

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three defendants has two lawyers.

The defendants are accused of murdering Malcolm X Feb. 21, as he spoke in the Audubon Ballroom, at 166th St. and Broadway. They are Talmadge Hayer, 22, of Paterson, N.J.; Norman 3X Butler, 28, of 622 Rosedale Ave., the Bronx, and Thomas 15X Johnson, 29, of 932 Bronx Park South, the Bronx.

Butler has been identified by the police as a member of the elite Black Muslim guard. Malcolm, after years as an influential Black Muslim leader, had split with the Muslims and started his own nationalist movement, about a year before his death.

During the questioning yesterday, both the prosecution and defense sought to determine whether the prospective jurors had any strong opinions or emotions about the Muslims, Malcolm, or Malcolm's death.

Peter L. F. Sabbatino, one of the lawyers for Hayer, moved for a mistrial, claiming that a column by Dick Schaap in yesterday's Herald Tribune had prejudiced the rights of the defendants. In his column, Schaap recounted the delays in bringing the defendants to trial. The motion was denied.

Selection of the jury will continue at 10:30 a.m. today.

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Dick Schaap

Northern Justice

Malcolm X has been dead for almost 11 months, and any day now the trial will begin for the men arrested for his murder. They were indicted for the crime only 10 months ago. It would be terrible to see justice move too swiftly.

The men accused of slaying Malcolm X are Norman 3X Butler, Thomas 15X Johnson, and Talmadge Hayer, who apparently could not afford his own X. Originally the trio was expected to come to trial late last summer, which did not seem too unreasonable, but, while rumors swirled that the police feared they lacked sufficient evidence, the case did not go on to the court schedule until December. It was postponed in December because the court felt it would be unfair to make the jurors sit over Christmas. It was postponed again last week because the court felt it would be unfair to make the jurors fight the subway strike. I think it should be postponed once more, until after Feb. 12, because it would be unfair to make the jurors spend Lincoln's birthday trying to figure out who killed Malcolm X.

Perhaps the trial could begin on Feb. 21, the first anniversary of the death of Malcolm X.

It seems like longer since he died, probably because the silence, after his eloquence, is so great. It seems strange now to go past the Theresa Hotel on 125th St. in Harlem and not stop to visit with Malcolm X. Conversations with him were always stimulating, if not convincing. My idea of the ideal guest list for a cocktail party, if you like cocktail parties, would be one that started with Malcolm X and William Buckley. It would never be dull.

The memory that remains most vivid is the day of his funeral, the brief, solemn Islamic service at the Faith Temple in Harlem. His widow, Betty Shabazz, sat in the second row, policemen flanking her. And, at the height of

CLIPPING FROM THE

N.Y. Herald Tribune

EDITION Late City

DATE 1-12-66

PAGE 19

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NOT FORWARDED BY NY DIVISION X

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HEREIN IS UNCLASSIFIED
DATE 1/4/84 BY 8269THE/WEB/ddd

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SEARCHED [redacted] INDEXED
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the service, Ossie Davis, the actor, delivered the eulogy.

"Many will ask what Harlem finds to honor in this stormy, controversial, and bold young captain—and we will smile," Davis said. "And we will answer and say unto them: Did you ever talk to Brother Malcolm? Did you ever touch him or have him smile at you? Did you ever really listen to him?"

Davis spoke with dignity, without mawkishness, straight and clear: "Malcolm was our manhood, our living black manhood . . . in honoring him, we honor the best in ourselves . . . and we will know him then for what he was and is—a prince—our own black shining prince, who didn't hesitate to die, because he loved us so."

After the funeral, after Malcolm was buried at the Ferncliff Cemetery in Westchester County, Ossie Davis explained, in a letter to a magazine editor, why he eulogized Malcolm X. "No Negro has yet asked me that question (why he eulogized Malcolm)," Davis wrote. "Every one of the many letters I got from my own people . . . commended me for having spoken at his funeral. At the same time—and this is important—most all of them took special pains to disagree with much or all of what Malcolm said and what he stood for . . . (but) they all, every last, black, glory-hugging one of them, knew that Malcolm—whatever else he was or was not—Malcolm was a man!"

Now Ossie Davis is the leader of a committee that is campaigning for justice for Malcolm X, that is demanding a thorough trial of the men charged with killing him. In his lifetime, Malcolm X was harshly criticized, sometimes fairly, sometimes unfairly. And now his friends, the people who knew him as a man, are asking only that his accused murderers be given a full and fair trial. It is the least that should be done—and done soon.

Malcolm X Trial Is Delayed

Prospective jurors in the trial of three alleged slayers of Malcolm X were sent telegrams Tuesday telling them not to report to the Criminal Term of New York County Supreme Court until after the transit strike situation has ended.

Justice Charles Marks, who is presiding at the trial scheduled to begin Monday, Jan. 3, ordered the telegrams sent Tuesday

(Continued on Page 42)

—Trial

(Continued from Page One)

after only 30 out of a panel of 117 appeared Monday and only 20 appeared Tuesday in the courtroom. Jurors earlier been advised by radio and the press not to appear.

One juror has been selected and the case is being called up daily in a routine fashion pending the strike ending when selection of the jury will begin and trial will commence.

The celebrated trial was scheduled to resume for Talmadge Hayer 22, of Paterson, N.J., Norman 3X Butler, 28, and Thomas 15X Johnson both of the Bronx, accused of the bold daylight murder of the 39-year-old fiery Malcolm X last Feb. 21 at the Audubon Ballroom.

Two of the three have denied any involvement in the murder and defense attorneys indicated they would introduce "explosive" evidence during the trial.

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Malcolm X Jury Selection Put Off

Selection of a jury in the trial of three men charged with the Feb. 21 assassination of Malcolm X has been delayed until the end of the transit strike.

State Supreme Court Justice Charles Marks yesterday directed that talesmen be notified by telegram to appear at the Criminal Courts Building the day after the strike ends.

CLIPPING FROM THE

N.Y. Journal American

EDITION Latest

DATE 1-5-66

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/4/84 BY 8269 THELWELL/dd

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Malcolm X Trial Testimony Near

By WALTER MacDONALD
Of the World-Telegram Staff

The trial of the three alleged slayers of Malcolm X, the black nationalist leader, formally gets under way today before Justice Charles Marks in a heavily-guarded New York County Supreme Court room.

Vincent J. Dermody, a veteran assistant on the staff of District Attorney Frank S. Hogan, will outline the state's case against the three men accused of the Feb. 21, 1965 slaying.

The three defendants, allegedly connected with the Black Muslim movement, are accused of gunning Malcolm X down as the leader addressed some 400 followers at the Audubon ballroom, 166th St. and Broadway.

Malcolm X, who originally was Malcolm Little, had been a leader in the Black Muslim movement headed by Elijah Muhammed which had its headquarters in Chicago. After a long association with Muhammed, Malcolm broke with the leader and formed his own black nationalist group called the Organization of Afro-American Unity.

He was addressing a meeting of his group when cut down by a hail of shots in the presence of his wife, Mrs. Betty Shabazz.

Now on trial and being defended by a battery of six lawyers, four court-appointed, are Thomas Hagan, alias Talmadge Hayer, 22, of Paterson, N. J.; Norman 3X Butler, 26, of 661 Rosedale Ave., Bronx; and Thomas 15X Johnson, 30, of 932 Bronx Pk. Ave., Bronx. All have been in jail since shortly after the killing.

The 12-member jury is comprised of three women and nine men. Three of the men are Negroes.

The 13th floor court room in the Criminal Courts Building is being guarded by some 30 peace officers, including uniformed police, detectives, policewomen and a beefed-up staff of court attendants.

(Indicate page, name of newspaper, city and state.)

6 NEW YORK WORLD TELEGRAM & SUN

Date: 1/21/66
Edition: METRO
Author: WALTER MacDONALD
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
or
Classification: BU 100-399321
Submitting Office: NYO

☐ Being Investigated

105-[redacted]-21
SEARCHED [redacted]
SERIALIZED [redacted]
JAN 21 1966
FBI—NEW YORK

b7C [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/4/84 BY 826 TAE/WEB/KAP

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Malcolm X Jury Almost Complete

Selection of a jury for the Supreme Court trial of three men charged with the killing of Malcolm X, appeared headed for completion today as the case enters its seventh day.

The 12th juror was chosen late yesterday, but attempts to choose any of four alternates used in murder trials were unsuccessful. Three of the jurors picked are Negroes.

The three charged with the Black Muslim leader's murder last Feb. 21 in a 166th ballroom, all Negroes are Thomas Hagan (alias Talmadge Hayer) 22, of Paterson, N. J.; Norman 3X Butler, 26, of 661 Rosedale Ave., Bronx, and Thomas 15X Johnson, 30, of 932 Bronx Park South, Bronx.

CLIPPING FROM THE

N.Y. World Telegram & Sun

EDITION Metro

DATE 1-20-66

PAGE 2

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NOT FOWARDED BY NY DIVISION X

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/4/84 BY 8269 THE/WEB/bal

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MURRAY KEMPTON

Watching The Jury

NO MATTER what the jury decides about the three young men accused of murdering Malcolm X, his end, one thinks, will always be a mystery to us.

The police theory is that Malcolm X was killed as a heretic by the Black Muslims. The mystery would abide even if that theory is correct, because the language of that novel is so alien to us, this being the assassination of a great foreign prince by the agents of another foreign prince.

The Malcolm X jury has been an atrociously long time in the picking; late yesterday afternoon, even the Muslim mask of Thomas 15 K Johnson, one of the defendants, finally gave way to boredom and he was observed to yawn.

The mystery of the Muslims been set aside for the moment and replaced by the older mystery of the jury process. Most prospective jurors lie, one supposes, although that it is harsh word to use about expressions of improbable sentiments founded on the desire either to serve or to avoid service.

Men of affairs are not in general anxious to sit on juries; and their sort has been quick to confess a disabling bias against victim and defendants alike that is probably deeper than it really feels. Those who want to serve seem in most cases to have little in their lives from which this would not be at least a distraction. The final panel is sure to run heavily to civil servants, who will do almost anything to escape the dreary round of their jobs, and to women exhausted by the unremitting companionship of their retired husbands.

I do not know enough about murder to say whether it is the act of persons bored by their daily lives, but murderers are certainly most often tried by persons quite obviously in that condition.

(Indicate page, name of newspaper, city and state.)

25 NEW YORK WORLD TELEGRAM & SUN

Date: 1/19/66
Edition: METRO
Author: MURRAY KEMPTON
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
or
Classification: BU 100-399321
Submitting Office: NYO

☐ Being Investigated

105-8998-27

SEARCHED [redacted]
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FEB 9 1966
FBI - NEW YORK

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/4/84 BY 8269 THEWEB/dd

... There is something pathetic and by no means mischievous about the persons who want to serve on juries. They are required, before they can hope for acceptance, to pretend to an innocence and an indifference about public affairs which under ordinary circumstances one would think a disbarment to voting for a city councilman, let alone deciding a capital case. To sit in Justice Marks' court yesterday was to watch a parade of Negroes, who could swear that they had vaguely heard of Malcolm X and occasionally discussed him although without expressing an opinion, and white persons who had talked about the Black Muslims but had formed no judgment about the worth of the doctrine that the white man is a devil.

It is difficult to accept neutrality of these proportions; but it is impossible to reject the myth of it; otherwise, there would be no getting a jury at all. There can hardly be a lawyer alive who has solved the riddle of jurors; and most of the damage to defendants has been done by lawyers who thought they had.

Both sides seemed to struggle yesterday to pick on blind chance and guesswork; the district attorney's office exercised its challenges, as an instance, most often to excuse Negro women in their middle years; it's assumption must be that the defendants, being neat and contained young men, will exercise an unreasonable pull on the maternal instinct. There is no way to assess this assumption. It is no more than a gucss, but nothing more than a guess is provided in the lottery of this process.

Still it is the only process we have to find out the truth about the murder of Malcolm X. And that seems a hopeless expectation. Every witness, even Malcolm's friends, is likely to be a hostile one; it is the meaning of these people's lives that they do not trust this court or any of our courts. Blind and in the dark, we struggle then for the secrets of a foreign power.

And still, oddly enough, the ideal docs rather often get served by persons who seem, at first, especially unqualified to serve it. We shall sit for weeks with these jurors, and in the end they will make a judgment and we shall be surprised at how close it is to our own, assuming we have paid attention. The process attempts the impossible, and somehow it manages quite often to achieve the terribly difficult.

Books of The Times

An Eloquent Testament

By ELIOT FREMONT-SMITH

THE AUTOBIOGRAPHY OF MALCOLM X. By Malcolm X, with Alex Haley. Introduction by M. S. Handler. Epilogue by Alex Haley. Illustrated. 460 pages. Grove. $7.95.

IT is probably fair to say that the majority of the public regards Malcolm X, who was shot down by gunmen at an afternoon rally last Feb. 21 in the Audubon Ballroom here, as a violence-preaching "Black Muslim" racial agitator who reaped his own bloody death. Ironically, this is also the stated view of Elijah Muhammad, the self-proclaimed "Messenger of Allah" and leader of the Nation of Islam (Black Muslims) which, among other things, advocates racial segregation and black supremacy. "We didn't want to kill Malcolm!" Mr. Muhammad cried over the heads of his bodyguards (among them, Cassius Clay) at a Black Muslim convention in Chicago shortly after the murder. "His foolish teaching would bring him to his own end!" There is, however, another view of Malcolm X—one that is increasingly prevalent among civil rights advocates—that with his death American Negroes lost their most able, articulate and compelling spokesman.

The New York Times
Malcolm X

Both views represent parts of the truth. While he was a recruiter for Elijah Muhammad, Malcolm X preached black superiority; and to the end he maintained that Negro violence was at least an appropriate response to white violence against Negroes. It is also true that in the last year of his life he radically modified certain of his ideas and began to take an active role in the securing of Negro rights within, not apart from, American society.

How important a spokesman he could have been for American Negroes had he lived remains in doubt. His advocacy of black supremacy ended with his conversion to the Elijah Muhammad-centered cult of the Nation of Islam while in prison. His beginning advocacy of civil rights and racial equality came with a second conversion—to the Islamic religion.

It has been said, correctly I think, that "The Autobiography of Malcolm X" is a book about the nature of religious conversion, the sense of being born anew that certain people experience. Certainly, his account of this phenomenon that he underwent twice—the movement from utter despair to elation and the sense of mission—is one of the book's major fascinations.

But the book is more. It tells what happens to an intelligent Negro who discovers that he has, within American society, no future. And it shows in the most powerful and precise terms what this really means—the systematized destruction of Negro self-respect as an almost automatic function of white society.

It takes quite a lot to destroy a man's self-respect, yet Malcolm X's early life does not seem unique. In 1929 (his last name then was Little; he was 4 years old) he watched his parents' home in Lansing, Mich., burn to the ground, set afire by hoodlums who didn't like "uppity" Negroes. His father, a Baptist minister and a follower of Marcus Garvey's "Back to Africa" movement, died mysteriously shortly afterward. In grade school Malcolm was a popular and brilliant student, but when he said he wanted to be a lawyer, he was told he should set his sights on carpentry. Later he pimped, pushed narcotics, became an addict, took up burglary and, at 20, was caught in Boston and sentenced to 10 years, a term that reflected not his legal crime, but the judge's disapproval of his having a white mistress.

It's not an unusual story, except that Malcolm was saved from its usual continuation: he was born anew. Through religious allegiance to Elijah Muhammad he gained a purpose that his country, a larger prison and its prevailing morality, had denied him.

As this extraordinary autobiography shows, the source of Malcolm X's power was not alone in his intelligence, energy, electric personality or ability to grow and change, remarkable as these were. Its source was that he understood, perhaps more profoundly than any other Negro leader, the full, shocking extent of America's psychological destruction of its Negroes.

"The Autobiography of Malcolm X" is a brilliant, painful, important book. Alex Haley has made very readable the many hours of taped interviews, and his own epilogue, about working with Malcolm X, his assassination, his estimate of the man, is candid and perceptive. The book raises many difficult questions, and it is a testament parts of which many readers will not approve. But as a document for our time, its insights may be crucial; its relevance cannot be doubted.

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He rose from hoodlum, thief, dope peddler, pimp— to become the most dynamic leader of the Black Revolution

He said he would be murdered before this book appeared

"This is one of the great books of the world. Its dead level honesty, its passion, its exalted purpose, even its manifold unsolved ambiguities will make it stand a monument forever to the most painful of truths."
—TRUMAN NELSON, *The Nation*

The Autobiography of MALCOLM X

With the assistance of Alex Haley. Introduction by M. S. Handler. Epilogue by Alex Haley. With 32 illustrations. 2nd printing before publication.

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N. Y. Times
EDITION Late City
DATED 10/29/65
PAGE 41
FORWARDED BY NY DIVISION
NOT FORWARDED BY NY DIVISION

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SERIALIZED
INDEXED
FBI—NY

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DATE 1/4/84 BY 826THELOEB/dd

Malcolm X Murder Is Unsolved

By LES MATTHEWS

The murder of Malcolm X is still unsolved. The Muslim was slain Feb. 21 while speaking at the Audubon Ballroom.

First degree murder indictments were handed down by the Grand Jury against three men, two members of Temple No. 7 and a resident of New Jersey

(Continued on Page Two)

—Malcolm

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but it is doubtful if the court has a case against the three suspects.

Indicted are Norman 3X Butler, 26, of 661 Rosedale Ave.; Thomas 15X Johnson, 29, of 1041 Bryant Ave., both of the Bronx, and Thomas Hayer, 22, of Paterson, N.J. The indictments were handed out on March 10.

The three men were arrested after an investigation by Assistant D.A. Herbert Stein. Attorneys Charles Beavers and Joseph B. Williams are representing the men. A spokesman for the District Attorney Frank S. Hogan told the Amsterdam News that Stein is no longer connected with the case and that no Assistant D.A. is currently assigned to it. No date has been set for trial.

Wives Talk

In an exclusive interview with the Amsterdam News, Mrs. Ella Johnson, mother of four, said that her husband, Thomas, was home all day on the day of the fatal shooting. "In fact," Mrs. Johnson said, "we had company all that day. I told the District Attorney that my husband was home at the time."

Mrs. Theresa Butler told the Amsterdam News that her husband, Norman, was also at home. Mrs. Butler said her husband went to Jacobi Hospital for treatment on the day of the fatal shooting and returned home.

The Muslims believe that the District Attorney is basing his case on alleged statements made by Leon Phillips, 31, who said his name was Leon Ameer. Leon, a father of seven, died mysteriously in a Boston, Massachusetts hotel.

Butler and Johnson, along with Willie Gaines, 47, of 158 No. Elliot Walk, Brooklyn, were arrested earlier and charged with the shooting of Correction Officer Benjamin Brown, 31, of 35 Castle Hill Ave., Bronx, in front of 1473 Boston Road, Bronx. Brown also a Muslim and the three had an argument.

Ameer who was ousted from the Muslims reportedly said Johnson and Butler were trained enforcers.

AMSTERDAM NEWS
7-31-65 p 1 & 2

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DATE 11/4/84 BY SP2 JHE/kks
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FD-350 (Rev. 7-16-63)

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Rally Told of $6 Million Try To Soften Malcolm on Rights

Malcolm X was offered $6 million after defecting from the Black Muslims last year "to play the civil rights game according to the rules," an admirer of the slain Black Nationalist charged.

The offer, said writer Sylvester Leaks, was made by several persons "of the white power structure" at a church on Riverside Dr. Malcolm refused, he said.

Leaks disclosed the alleged offer before 1300 persons last night at a memorial rally for Malcolm in the Rockland Palace, 155th St. and Eighth Ave. Malcolm was assassinated Feb. 21 in the Audubon Ballroom, 166th St. and Broadway, less than a mile away.

The three-hour tribute was organized by a group headed by Leaks, who described himself as a writer and an "admirer of Malcolm but not a member of anything."

The program marked the first public appearance of Malcolm's wife, Mrs. Betty Shabazz, since the murder. Mrs. Shabazz, who is expecting her fifth child in the fall, did not mention her husband but thanked the crowd for attending "on behalf of my four babies and myself."

Jesse Gray, Harlem rent strike leader, called Malcolm his teacher. "He taught me to be mean and black and hate the white man," Gray declared.

(Indicate page, name of newspaper, city and state.)

3 NEW YORK WORLD TELEGRAM & THE SUN

Date: 5/27/65
Edition: METRO
Author:
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
or 105-8999B-23
Classification: BU 100-399321
Submitting Office: NYO
[X] Being Investigated

Bureau [redacted] b2 b2c

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/4/84 BY 8269 THEK/EGLOC

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FD-350 (4-3-62)

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Black Labor's Future, Marcus Garvey, Malcolm X; And L.B.J,s Prediction And Prophecy??

Labor Day weekend comes in with a bang for the HOUSE of Knowledge, 3831 Michigan Blvd., and African Bound with their features in Washington Park in way of creations by Afro-Americans, Africana, and Afro-West Indians assembled and displayed free in Washington Park, 53rd and South Park, Sunday 3-6 P. M. and Monday 3-7 P. M. You may register Friday, 10:30 A. M., Saturday or Sunday at the House of Knowledge, if you have anything you have CREATED in way of ebony doll, apron, broom, bookends, miniature house, ship of Africa, dress, hat, spaceship, paintings, invention or anything you have fashioned with a needle, tool, hammer or brush, etc. There will be three prizes offered Monday nite, at the House of Knowledge, 3831 Michigan Blvd. 8-10:30 P. M. to the most unusual and novel creation. ALL CREATORS join the Parade and see Movies of New Africa Display-office open Monday 1-9 P. M. Phone 624-9832.

Some from the Africa Bound Club and the DO-IT-YOURSELF CLUB are as follows: Mme. Demons, African hats; Robert Lee Maxie, artificial brick and MAGIC TABLE PIECE, Richard Jones, house, Artist Strickland, plastic bag and lamp shades, Abie Mumbibi, Choker necklace, Ochiem Obat, oars and sword of Kenya; Bindley Somerset, handbag and black dolls of Jamacia, Birder Maxie, African robe, Douglas R. Williams, painting African ship; Dorothy Evans, African hat. — Some 25 exhibititors to date, plus creators of African ivory, gold and ju-ju pewelry, raffia, Plus.

SUNDAY 4-6 P. M. a report by three persons. African and Afro-American to see second ship to come to CHICAGO in honor of Marcus Garvey, the 1st and most famous Black Nationalist, born August 17th, 1886 — the last major speech of Malcolm X. on his trip from Africa and the Secret Report of L. B. Johnson, Pres. of U. S. A. and Vice President on JOB FUTURE of Afro-American. SOUND MOVIES and Discussions — Monday nite 8 "African Round-up" — Prizes to Creators.

(Indicate page, name of newspaper, city and state.)

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THE NEW CRUSADER

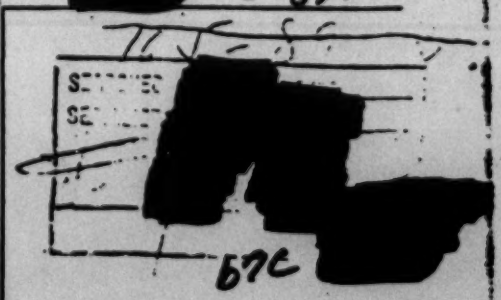
CHICAGO, ILLINOIS

9-4-65

Date:
Edition: WEEKLY EDITION
Author:
Editor: BALM L. LEAVELL
Title:

Character:
or
Classification:
Submitting Office CHICAGO

b7C [redacted] 105-8999-22



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Malcolm X Trial
—Witness Won't Budge

Defense attorneys in the Malcolm X murder trial failed to shake a prosecution witness' testimony that Norman 3X Butler, on trial with two others for the assassination of the Black Nationalist leader, participated in a diversionary argument moments before the killing. The prosecution contends that Butler and Thomas Hagan, another accused assassin, created a disturbance to draw attention away from Thomas 15X Johnson, who fired a shotgun blast into Malcolm's chest. Butler and Hagan, the prosecution contends, then drew pistols and shot Malcolm repeatedly as he fell to the stage of the Audubon ballroom. Defense attorneys attempted to point out inconsistencies in the testimony of the prosecution witness, Jasper Davis.

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N.Y. Trib

EDITION Late City

DATE 2/23/66

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MALCOLM X GUARD EXPLAINS INACTION

A bodyguard for Malcolm X testified yesterday that he did not fire at the three men accused of murdering the Negro leader for fear of hitting women and children.

Recalling the confusion at the Audubon Ballroom during the attack last Feb. 21, the witness, Cary Thomas, said, "I decided not to do any shooting."

He testified earlier that he took cover when the shooting started. Defense lawyers had implied that his conduct was due either to cowardice or complicity in the assassination plot.

Mr. Thomas clung to his story that he had seen one of the three, Thomas 15X Johnson, standing in front of the stage with a sawed-off shotgun in his hands after the fusillade that cut down Malcolm X.

He said he then saw the other two, Thomas Hagan, also known as Talmadge Hayer, and Norman 3X Butler, pumping bullets into the prone body.

The trial, before Justice Charles Marks, in the Criminal Term of State Supreme Court, will continue today.

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N.Y. Times

EDITION Late City

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Mulcolm's Guard Admits Record, Sticks to Story

By James W. Sullivan
Of The Herald Tribune Staff

A husky former bodyguard for Malcolm X who has been the prosecution's first key witness against the three young men accused of killing the Black Nationalist leader last February, admitted in court yesterday that:

¶He was armed with a .357-caliber magnum pistol when the assassination took place in the Audubon Ballroom, but made no attempt to draw it.

¶He gave no information about the killing to police until they questioned him three weeks later.

¶From the time he was 15 years old, "I've always carried a gun."

¶He received an administrative discharge for bad conduct after five years and 10 months in the Army. The bad conduct had included four special courts-martial and "several" summary courts-martial.

But a full day of cross-examination in Manhattan Supreme Court by two defense attorneys failed to shake Cary Thomas' story that Norman 3X Butler, 26; Thomas 15X Johnson, 29, and Thomas Hayer or Hagan, 22, committed the shotgun-pistol murder of Malcolm X on Feb. 21, 1965.

George Whitney, of 223 W. 121st St., the apartment building in which Thomas lived before he was taken into custody as a material witness, also was identified as one of Malcolm's bodyguards.

Mr. Whitney was in court in the morning. During a recess shortly after the identification was made, he was taken into custody by detectives for questioning and later released.

Thomas, who had already admitted that he had received a suspended jail sentence for possession of narcotics and was now under indictment for an unspecified arson, testified further yesterday under cross-examination by Mr. Sabbatino and William J. Chance, Butler's attorney.

Both defense attorneys pressed him for an explanation of why he failed to shoot at Malcolm's attackers, and he finally answered:

"When they started rapid-fire shooting, I wasn't sure which way the shots were going or who would start shooting next. I just took cover."

He emphatically denied Mr. Sabbatino's question as to whether he was part of a conspiracy against Malcolm X and whether he and Reuben Francis, chief security guard who shot Hayer during the melee, had discussed any plot to harm Malcolm.

He also denied that he shot anyone that afternoon or that Reuben Francis had told him how many shots he fired.

He insisted also that he saw Hayer and Butler start a fight in the audience, that Johnson fired a sawed-off shotgun at Malcolm and that Hayer and Butler then ran to the stage where Malcolm was lying and pumped pistol bullets into him.

Police and court attendants continued heavy security precautions in the courtroom.

Both the defense counsel's questions and the witness' answers several times brought titters from the Black Nationalists present.

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Malcolm Witness Sticks to Story

By WALTER MacDONALD
Of the World-Telegram Staff

The Malcolm X murder trial moves on today to its third prosecution witness.

After four days on the witness stand—most of it under gruelling cross-examination, Cary Thomas, alias Abdul Malik and Cary 2X, was excused at the end of yesterday's session, still unshaken in his identification of the three accused slayers of the black nationalist leader.

Defense attorneys for Thomas Hagan, alias Talmadge Hayer, Norman 3X Butler and Thomas 15X Johnson, tried repeatedly to portray Thomas, an ex-convict, as a coward who kept his .357 Magnum pistol holstered when the shooting began last Feb. 21 in the Audubon Ballroom.

A member of Malcolm's security guard, Thomas, 35, said he held his fire because women and children were in his way. Asked if he had ever fired a gun at a human being, Thomas, who has admitted owning guns since he was 15 and who served nearly six years in the Army, replied "No."

Thomas, the prosecution's second witness, was questioned closely about why he had told no one he knew who killed Malcolm X between the date of the slaying and March 2, when police picked him up for questioning.

"I was afraid that I might be killed myself if I said anything, so I remained silent," he replied.

The prosecution's first witness, an engineer who testified about the Audubon Ballroom, was heard last Friday.

(Indicate page, name of newspaper, city and state.)

5 NEW YORK WORLD TELEGRAM & SUN

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Edition: METRO
Author: WALTER MacDONALD
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
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Submitting Office: NYO

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MURRAY KEMPTON

The Black Muslims

IT WAS HARD to explain yesterday what still held you about the trial of the three men the state says assassinated Malcolm X.

The lawyers for the defense were morbidly and half-despairingly gnawing for some soft spot in the recollection of the witness Cary 3X Thomas that he had seen each defendant when he fired. None of them seemed to think that he had done as well as he had wanted to. They had been beaten, if they were beaten, by what remained to the apostate Thomas of the Muslim mystery and the Muslim dignity. For that alien presence fills this courtroom; and what is compelling is the tedium attendant upon the spectacle of the death of the heart.

Cary Thomas left the Muslims and went into exile with Malcolm X, to serve him, inadequately to be sure, as a bodyguard. A man who breaks with an established church to follow a heretic seldom does it for gain and convenience; it is an act of friendship.

And yet, yesterday, near the end, Joseph Williams, as counsel for Norman 3X Butler, asked Thomas if he had left the Muslims to follow Malcolm.

"I don't really know the reason why Malcolm left," Cary Thomas answered. But he guessed he had himself left because Malcolm X did. "I must confess I admired him. What Malcolm said sounded pretty good to me."

That was all he could say about the loss of two private worlds. It was a thing to be confessed for Cary Thomas to have admired another human being. He is an immensely intelligent man and yet, of all subjects, he seemed genuinely most ignorant of the Muslim doctrine which, after all, had been central enough in his life to have brought him here.

Williams asked him what the brothers talked about in the temple.

(Indicate page, name of newspaper, city and state.)

17 NEW YORK WORLD TELEGRAM & SUN

Date: 1/27/66
Edition: METRO
Author: MURRAY KEMPTON
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
or
Classification: BU 100-399321
Submitting Office: NYO

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"They would say Salaam Alaikum, and then how you doing brother and then WHAT'S happenin'." The answer must always have been that nothing was happening. The Muslims are an order of strangers calling each other brother.

For old Elijah Muhammed leaves them all alone at the end. There sit Norman 3X Butler and Thomas 15X Johnson, who still practice the Muslim ritual in prison. They have court-appointed attorneys paid by the state; these are as good lawyers as any defendant could need; but they are not wealthy ones and they can hardly spend from their own pockets the sort of money a man accused of murder needs to find his own witnesses and rebut those for the state.

Yet, innocent or guilty, what brought them here was their allegiance to Elijah Muhammed. If innocent, they are on trial because of the lies of his enemies; and, if guilty, they are here because they did a job for the old man; in either case they suffer because of their faith in him. And he doesn't even give them a quarter; he leaves them paupers.

The Ku Klux Klan doesn't even do that. When a Klansman goes on trial for murder, it raises a fund for his defense. It is horrible to think of a man who is called God and commands an order with less bond of brotherhood than the Klan has.

And before long before Elijah Muhammed will start getting a good press; the Muslims own the heavyweight champion of the world, and can expect henceforth the politeness deserved by owners of property. They own Cassius Clay, who summed up their whole creed when he said that Malcolm X deserved to die because he had offended God. And Cassius Clay was talking about a man who had been his friend. That's all a friend is to a Muslim, a thing not merely to be deserted but to be defamed. And Butler and Johnson, who go on worshipping Elijah in prison, are just as disposable as Malcolm, having also offended God by getting in trouble.

The old man is that evil and his church is that evil, and all you can feel is sorrow for Malcolm X and Norman 3X and Cary 3X and Thomas 15X and everyone else who found there the only life with less kindness and mercy in it than the awful one they were trying to escape.

The Malcolm Trial: No Guns, Please

By JOSEPH MANCINI

The strapping court officer in a dark blue uniform sticks his head out of the door and raises 2 fingers. "Two more," he signals and two more men who were waiting on line are led into the vestibule between the corridor and the courtroom.

The men are asked to face the marble wall and raise both hands against it. Then, in the privacy of this dimly-lit cubicle, they are frisked.

This is a daily ritual at the entrance to the 13th-floor Supreme Court chamber where three young men identified by the prosecution as "active Black Muslims" are on trial, charged with the assassination of Malcolm X.

And the Black Nationalist leader is dead, a bodyguard of his has testified, because he would not allow those who came to hear him speak to be searched.

Some Are Used to It

Malcolm was gunned down as he began to address a rally of 400 at the Audubon Ballroom, 166th St. and Broadway, on Feb. 21, 1965.

The searching is done courteously but firmly and of those who wish to watch the proceedings no one is spared but lawyers, detectives and the press.

The Black Muslims among the spectators—several have been identified—are used to it. Searching is standard procedure at most meetings of the Chicago-based group led by Elijah Muhammad. But the court buffs, elderly retired men who attend many trials, must also submit and two uniformed policewomen have been provided so that women may be searched in a small adjoining room.

Emphatic Witness

Inside the courtroom, tight security measures are in force as patrolmen and several plainclothes detectives mingle with the spectators to guard against possible outbreaks of violence by followers of either Elijah Muhammad or Malcolm X.

Cary Thomas, also known as Abdul Malik and Cary 2X, takes the stand for the fourth day today to undergo further cross-examination. Thomas, 35, who followed Malcolm after he left the Muslims to form the Organization of Afro-American Unity, has admitted having been a dope peddler, a pistol-carrier since the age of 15 and the recipient of a bad-conduct Army discharge. But defense attorneys have been unable to shake his testimony that he saw the defendants—Thomas Hagan, Norman 3X Butler and Thomas 15X Johnson—in the Audubon Ballroom carrying guns the afternoon of the slaying.

Impassive Defendants

Thomas testified yesterday about Malcolm's no-frisk order. "They didn't search anyone coming into the Audubon Ballroom that afternoon," he told the court, "because Malcolm had put out an order he didn't want anybody searched."

The defendants—who the pros-

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[redacted] charges were able to hide in their clothing a loaded, double barrelled shotgun and two pistols as a result of this order—remained impassive as Thomas made the statement.

The three are strikingly similar in physical appearance, all roughly alike in height and build. The long months of incarceration have taken an equal toll on them. They are considerably thinner than when first arrested. Still, they have less the jailbird look and more the appearance of the conservatively-dressed, reserved young men one associates with the Black Muslim sect.

Hagan—the shortest and, at 22, the youngest of the three—is, in a sense, set apart from the others. His lawyers are privately retained, theirs court-appointed. His lawyers are white, theirs Negro. Also, he claims he is not a Muslim and seems to make a point of not speaking to his co-defendants while Butler and Johnson indulge in frequent exchanges.

He lives in Paterson, N. J. Butler, 26, lives at 661 Rosedale Av.; Johnson, 30, at 932 Bronx Park So., both Bronx.

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Witness Identifies 3 as Malcolm X Killers

By James W. Sullivan
Of The Herald Tribune Staff

A husky, balding 35-year-old former Black Muslim who defected to join Malcolm X in his Black Nationalist organization pointed his finger yesterday at the three young men accused of Malcolm's murder and identified them as the killers.

Cary Thomas, who said he also was known as Abdul Malik, testified before a jury of nine men and three women in the court of Supreme Court Justice Charles Marks that he had known Norman 3X Butler, 26; Thomas 15X Johnson, 29, and Thomas Hagan or Talmadge Hayer, 22, while he was a member of the Black Muslims.

Before the trial could open and Thomas could testify, heavy security precautions were taken, including personal searches of spectators who lined up for the 84 seats in the courtroom.

Men were frisked by court [illegible]endants in the vestibule of [illegible] courtroom. Women were [illegible]ched in a small room off [illegible] hallway.

[illegible]omas was the second wit[illegible] called in the first-degree murder trial of the three men after a 20-minute opening statement by assistant district Attorney Vincent J. Dermody.

He testified that he had recognized Thomas Johnson as a Black Muslim as soon as he entered the Audubon Ballroom on W. 166th St. near Broadway on the afternoon of Feb. 21, 1965, and spoke to Reuben Francis, Malcolm's bodyguard, about him.

He said he had taken a seat in a booth and hadn't seen Hagan and Butler until Malcolm began his greetings to the 200 persons present for the weekly nationalist rally.

Then, he said, Hogan stood in a center row and shouted to Butler, sitting beside him, "something to the effect of, 'Man, what are you doing with your hand in my pocket.'"

While the audience was looking at this diversion, he said, there was a loud blast from the stage where Malcolm had been speaking and he turned to see Johnson standing under the stage, with Malcolm prone upon it. Johnson wheeled, he said, and he saw that he was holding a

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sawed-off double-barrelled shotgun in his hands.

Next, Thomas said, Hagan and Butler ran to the front of the room and "started shooting at the area of Malcolm's body."

Thomas admitted that he had not seen guns in the hands of the two men at the time, but, he said, their hands were moving up and down, shellcases were being ejected from them and there was the sound of gunfire.

Johnson said under examination that he had been in the Queens County House of Detention for Men under $50,000 bail for seven months. He also said he had been convicted of possession of narcotics in Boston in 1961 and had received a two-year suspended sentence.

Under cross-examination by Peter L. F. Sabbatino, attorney for Hagan, he refused to answer a question about whether he had ever committed arson "because I'm under indictment for arson."

William C. Chance and Joseph B. Williams, attorneys for Norman Butler, said after the session that they understood he had been indicted for burning his mattress while being held as a material witness in the Civil Jail.

Thomas also admitted that he had been addicted to heroin at the time he was convicted in Boston and that he had been "committed" to Bellevue Hospital for three weeks about two years ago. However, it was never determined whether he was in the psychiatric division.

Mr. Sabbatino, the only defense attorney to make an opening statement, said his client was shot in the leg while leaving the Audubon ballroom after the assassination and that the man who shot him "tried to cover up by claiming the one he shot was involved in the shooting.

"This was a mob identification initiated by a bullet which struck my client as it could have struck anyone else," he said.

"As a bright young man interested in a social movement, he went there out of curiosity. He will deny under oath that he was a conspirator in the murder of Malcolm X."

Thomas will return to the stand for further cross-examination when the trial resumes at 10 a. m. Monday.

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Malcolm X Murder Jury Completed

Four alternate jurors were selected yesterday for the trial of the three men accused of the murder of the Black Nationalist leader Malcolm X. The entire jury was instructed by Supreme Court Justice Charles Marks to report at 10 a.m. today for the opening of the trial.

Chosen as alternates for the jury of three women and nine men were Elpidio La Boy, a maintenance machinist; Mrs. Sally Grusky, who operates a tailor shop with her husband; Louis Gurwitz, a clerk, and Mrs. Grace B. Rosser, a pottery instructor.

Justice Marks instructed the jurors not to visit the scene of the murder, the Audubon Ballroom, 166th St. and Broadway. He said that if a visit were considered necessary during the trial, he would make the decision.

Charged with the shotgun and pistol murder, which occurred Feb. 2, 1965, are Thomas Hagan, 22; Norman 3X Butler, 26, and Thomas 15X Johnson, 30.

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MALCOLM X - BEFORE DEATH:

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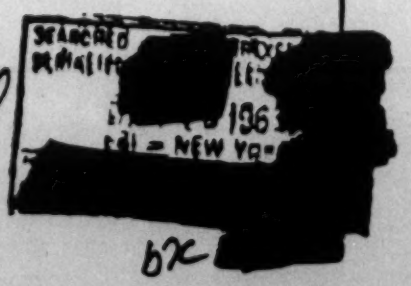

AMERICA'S BEST WEEKLY

New York Courier

December 11, 1965 2 Sections 15c 20c Outside of New York City

MALCOLM X'S BOOK TO BE USED BY DEFENSE ATTY. AT MURDER TRIAL

By MAJOR ROBINSON

Malcolm X's thoughts, several days just before he was gunned down, that he had doubts that his former associates in the Black Muslims were "out to get him," will figure prominently in the trial of three men charged with his slaying, the Courier learned.

On Monday in the Criminal Term of New York Supreme Court, Thomas Hagan, alias Talmage Hayer, 22, of Paterson, N.J.; Norman 3X Butler, 28, of 681 Rosedale Ave., Bronx; and Thomas 15 X Johnson, 30, of 322 Bronx Park South, were brought into court for the assassination of the 39-year-old fiery Malcolm X on Feb. 21 while addressing 400 people at the Audubon Ballroom. The trio are reportedly members of the Black Muslims organization to which the late militant nationalist once belonged.

After refusing to allow the trio out on bail, Justice Charles Marks adjourned the case until Jan. 3

(Continued on Page 2)

Malcolm X Book

(Continued from Page 1)

at which time he said he would begin the selection of a jury. He added that he anticipated a long drawn-out trial and didn't want the holidays to interfere.

In "The Autobiography of Malcolm X", just released by Grove Press, near the end of the book he relates to his ghost writer, Alex Haley, "I'm going to tell you something, brother — the more I keep thinking about this thing, the things that have been happening lately, I'm not all that sure it's the Muslims. I know what they can do, and what they can't, and they can't do some of the stuff recently going on. . . . I think I'm going to quit saying it's the Muslims."

Since the prosecution will attempt to prove that the men on trial were members of the sect that used to worship Malcolm before he was ousted after incurring the displeasure of Elijah Muhammad, the leader, the defense staff reportedly will use the passages in his best selling book to refute these accusations.

Months before he died, Malcolm lived in fear of his life. Whenever he took a trip he ran into stern-faced members of the Muslims who shadowed his every step in hotel lobbies, airport lounges or outside of TV and radio studios.

Hagan was shot and wounded by one of Malcolm's bodyguards as he fled the scene of the shooting. Reuben Francis, accused of wounding him, was later arrested by police and is out on bail for that crime.

Both Johnson and Butler, at the time of the incident, were out on bail in another shooting charge that involved the Muslims. Police told reporters that they were "enforcers" for the Muslims.

Hagan, Butler and Johnson were indicted by a grand jury on March 10 as Malcolm's suspected killers. Attorneys for Butler and Johnson have stated that they will attempt to prove at the trial that their clients were home with their respective wives at the time of the assassination.

It is expected that during the course of the trial more than 50 witnesses will be put on the stand by Assistant District Attorney Vincent Dermody. Among them will be Mrs. Betty Shabazz, Malcolm's widow, who was at the Audubon and witnessed the killing of her husband.

Among other questions that will possibly arise is whether any Negro undercover men of the Police Dept. were in the audience at the time of the shooting. It is known that they had constantly "tailed" Malcolm in view of the many death threats he received.

After he left the Muslims, Malcolm formed his own organization of Afro-American Unity group with headquarters in the Theresa Hotel. Outside of two dozen hard core followers, his organization never picked up many members and was used principally as a forum for him to espouse his nationalist views.

Since then, his half-sister, Mrs. Ella Collins of Boston, has taken over leadership of the OAAU which has dropped out of the headlines. She is also expected to be a witness at the trial.

$40 Mil Job

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Wingate so far has let out only two contracts, one for the demolition work that cleared the three block site and the other to a piling company. The four 27-story and two 26-story buildings with apartments ranging in size from 3 1/2 to 6 1/2 rooms are expected to be completed within the next 18 months.

Mrs. Musgrave said that she hopes that other qualified Negro contractors will apply for work there. She added that she hoped to have at least half a dozen Negro contractors supply services to the job before it's completed.

With an estimated rental of $27 per room, tenants desiring apartments there will have to make down payments of $216 per room. There will be a swimming pool, playgrounds and off-street parking facilities for 932 cars.

Tammany Hall leader J. Raymond Jones worked for three years in the development of the middle income housing project. At present his activities with Esplanade are the matter of court scrutiny as the result of action brought by the consulting and management firm of Brooks, Hampton, Levy & Walker, Inc., who claim they first conceived the idea for Esplanade.

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NEW YORK
Amsterdam News

Vol. XLIV — NO. 44 | Entered as Second Class Matter, New York City | SATURDAY, NOVEMBER 20, 1965 | 340 Eighth Ave. New York, N. Y. 10027 | 15c — Out

Malcolm X Trial For 3 Scheduled

9 Months Since He Was Slain

By GEORGE BARNER

The trial of three men accused of slaying Malcolm X has been scheduled for Monday, Dec. 6, in the Criminal Term of New York Supreme Court.

The December trial date is slightly more than nine months after the 39-year-old separatist sect leader was shot to death while addressing some 400 of his followers at the Audubon Ballroom, Broadway and W. 166th St.,

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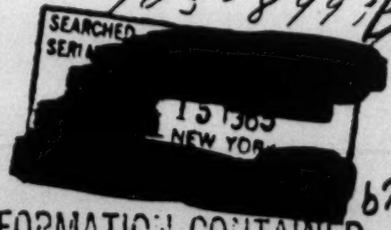

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—Malcolm X Trial

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after his defection from Elijah Muhammad's Nation of Islam.

The men awaiting trial are Thomas Hagan, alias Talmage Hayer, 22, of Paterson, N.J.; Norman 3X Butler, 23, of 661 Rosedale Ave., Bronx, and Thomas 15 X Johnson, 20, of 823 Bronx Park South.

Hagan was shot and wounded by Malcolm X henchmen before being captured by police outside the ballroom shortly after the shooting. Butler and Johnson were apprehended ten days later.

Before the setting of the trial date, one of the court appointed defense attorneys, who asked that his name be withheld, expressed the belief that the case might never come to trial because there was probably "something decidedly wrong with the district attorney's case" that led him to such a lengthy delay.

Delay 'Usual,' Says DA

An organization calling itself the Malcolm X Inquiry Committee, with a post office box listed in Queens, had issued circulars questioning the diligence of the DA's pursuit of justice in the killing and demanding "a satisfactory inquiry into the case of Malcolm X."

A spokesman for District Attorney Hogan denied any prosecution difficulties and said it was not unusual for a wait of six months or more to intervene before a murder indictment was brought to trial.

Attorneys for the defendants include William C. Chance, Joseph Pinckney, Charles Beavers, Joseph Williams, Fritz Alexander.

MURDER TRIAL IS POSTPONED

Malcolm X Jury Still To Be Selected

New York — The first-degree murder trial of three men charged with the ballroom assassination of Black Nationalist leader Malcolm X was adjourned here yesterday until January 3.

In announcing the adjournment, Supreme Court Judge Charles Marks dismissed 125 jurors, telling them to report back next month.

"To ask these men and women to come here in the holiday season would be an injustice to them," Judge Marks said.

Earlier the Judge denied a motion filed by one of the three defendants to try the case upState.

In requesting the change of venue, Attorney Peter Sabbatino — counsel for 22-year-old Talmadage Hayer of Paterson — argued that the case carried religious and political overtones that would in New York County jeopardize the right of the defendant to fair trial.

Judge Marks also denied a second motion to try Hayer separately.

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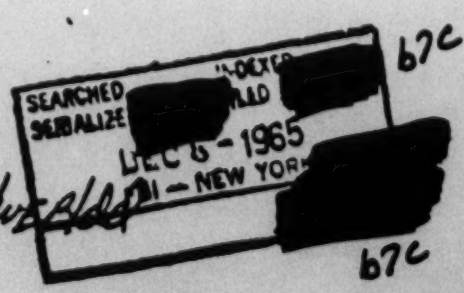

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Malcolm X Slaying Trial

Three men accused of gunning down Malcom X as he addressed a meeting of his Organization of Afro-American Unity in the Audubon Ballroom in Washington Heights last Feb. 21 will go on trial for his murder at 10 A. M. today before Supreme Court Justice Charles Marks. The defendants are Norman 3X Butler, identified by police as a member of the Black Muslim elite guard; Thomas Hagan, alias Talmadge Hayer, and Thomas 15X Johnson.

Malcolm X

NY "DAILY NEWS" 12-6-65
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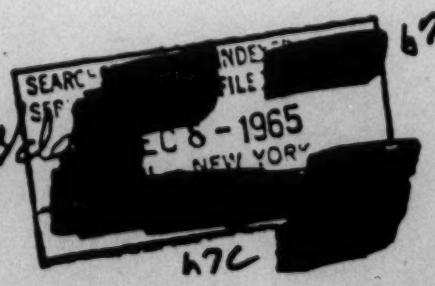

Malcolm X Murder Trial On

The trial of the three men charged with killing Malcolm X last February began yesterday with the dismissal of motions to set bail for the accused, to change the venue of the trial and to provide separate hearings for each of the three men. After denying these petitions Supreme Court Justice Charles Marks adjourned until Jan. 3 the actual selection of a jury. The men on trial are Thomas Hagan, also known as Talmadge Hayer, Thomas 15X Johnson and Norman 3X Butler.

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N.Y. Times

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Try 3 in Death Of Malcolm X

The trial of the three alleged assassins of Malcolm X, the fiery leader of the Black Nationalists, starts today in State Supreme Court before Justice Charles Marks.

Charged with first degree murder for his death last Feb. 21 in the Audubon Ballroom in Upper Manhattan are Norman 3X Butler, who police say is a member of the Black Muslims, a group Malcolm X broke from; Thomas Hagan, 22, also known as Talmadge Haver, and Thomas 15X Johnson, 30.

The three have pleaded not guilty.

A crowd from Harlem was expected to jam the courtroom, at 100 Centre st., since leaflets about the trial have been passed out in bars and apartment houses of the area urging residents:

"Be there!"

Malcolm X, 39, was shot to death as he addressed his followers.

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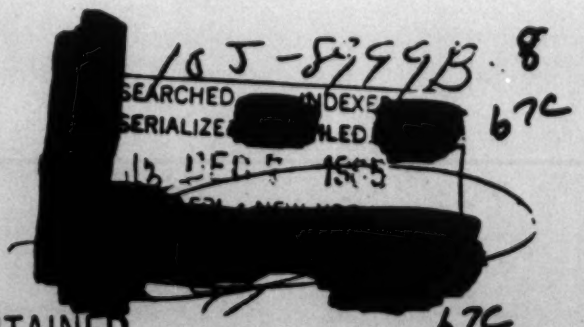

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TRIAL OF TRIO AS ASSASSINS STARTS TODAY

Jury To Be Selected In Malcolm X Murder

By RICHARD BENFIELD
(Staff Writer)

New York — Selection of jurors for the trial of three men accused of the spectacular slaying of Black Nationalist leader Malcolm X begins here today.

All three are charged with first-degree murder in connection with the ballroom assassination last February. The trial itself is expected to start January 17.

Among the trio is 22-year-old Talmadage Hayer of 347 Marshall Street, Paterson, N. J., who was picked up by police hours after the Sunday afternoon killing.

The others are Norman (3X) Butler and Thomas Johnson, both of New York. All three will be tried together before Judge Charles Marks.

The prosecution and a battery of defense attorneys will select the jury from 200 veniremen scheduled to be brought into Supreme Court today.

Another 200 panelists are expected to be brought up tomorrow.

Prosecuting the case will be Assistant New York County District Attorney Vincent J. Dermody. Attorney Peter Sabbatino, himself a former New York County assistant district attorney, will be defense counsel for Hayer.

Since the arrest of the trio, the usual motions for dismissal of the indictments have been made. All have been turned down.

Hayer was the first of the three to be arrested. During the melee which broke out when Malcolm X was slain in the Audubon Ballroom at 166th Street and Broadway, the Paterson man was shot and beaten by followers of the Black Nationalist leader.

For most of the past 9 months, Hayer — along with his two alleged accomplices — have been in the Tombs, the City prison, where they have been held without bail.

For months after the slaying, Hayer was represented by court-appointed attorneys. However, some weeks ago, the defendant's father, LeRoy, hired Sabbatino, a lawyer with some 30 years' experience, to defend his son.

In 1963, Hayer — who has also used the name Thomas Hagan — was accused of the theft of 22 guns from the now defunct Liberty Arms Company in Paterson. That case is still pending in Passaic County.

The Negro youth was born in Hackensack, N. J., and his family moved to Paterson shortly thereafter. He attended school in that City through his freshman year in high school.

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Malcolm X a Harlem Idol on Eve of Murder Trial

By PAUL L. MONTGOMERY

Since his murder in February the apostle of Negro identity known variously as Malcolm X or Alhajj Malik Shabazz has become a dominant influence in the intellectual life of the Northern ghettos.

Yesterday, on the chill streets of Harlem, intense young men strolled by wearing Malcolm memorial buttons ("Our Black Shining Prince — Freedom By Any Means Necessary") and the black fur astrakhan hats he favored.

In Dr. Lewis Michaux' House of Good Sense and Home of Proper Propaganda bookstore at 125th Street and Seventh Avenue, Malcolm's autobiography and records of his speeches were bestsellers.

In the crowded basement coffeeshop known as The Truth, where many of the new black intellectuals congregate, young men and women talked over once again the ideas whose center is the life and policies of Malcolm X. In one corner, his widow sat quietly with friends.

Trial Begins Today

And, throughout the area, well-printed leaflets telling of the beginning of the trial today of Malcolm's three alleged assassins were being passed around in bars and pushed under apartment doors. "Be There!" the leaflets urge.

The trial, which starts at 10 A.M. before Supreme Court Justice Charles Marks at 100 Centre Street, has attracted unusual interest in Harlem. Most of Malcolm's admirers appear to believe that he was murdered on orders from the United States Government.

Those charged with shooting Malcolm down in the Audubon Ballroom on Feb. 21 are Thomas Hagan, also known as Talmadge Hayer, 23 years old; Thomas 15X Johnson, 30; and Norman 3X Butler, 26. Butler has been identified by the police as a member of the elite Black Muslim guard. Malcolm split bitterly with that separatist, anti-white sect a year before he was slain.

All three are charged with murder in the first degree. They have pleaded not guilty.

The central idea of Malcolm's that has taken hold since his death is that Negroes must hold fast to and nurture their own black culture, and not have it "integrated out of existence." The idea is opposed both to the integrationist tendencies of much of the civil rights movement and to the older brand of Black Nationalism, which assumes a segregated future for Negroes.

Was Converted in Prison

Malcolm's career until his death at 39 was in three stages. First, he was Malcolm (Detroit Red) Little, a Michigan-born Harlem hustler who wore zoot suits, pushed marijuana and eventually was sent to prison in 1946 for robbery.

In prison he was converted to the Black Muslims, and after his release swiftly rose to a prominence approaching that of the sect's founder, Elijah Muhammad. He took the name Malcolm X and became a crowd-pleasing, white-baiting orator who preached that Negroes should respond to white violence and indignities with violence and indignities of ther own.

In December, 1963, after seemingly making light of President Kennedy's assassination in a speech, Malcolm X was forbidden to speak publicly by Elijah. Early the next year he quit the sect and became a convert to Orthodox Islam.

His last conversion, he said, taught him the brotherhood of all men and the error of his racist ways. He traveled widely in the United States and Africa seeking a forum for his new ideas, and spoke often at colleges. He encouraged white people, particularly students, to form groups ancillary to his own and work among whites to combat prejudice.

However, he never embraced nonviolence and advocated Negroes' arming themselves for self-defense.

The group he founded, the Organization of Afro-American Unity, was barely under way when he was killed. He was secretive about its operations ("A tree whose roots are exposed will die," he used to say) but its active membership was believed to be less than 100.

Generally, his aims were to promote contacts between Negroes and Africans and to forge a powerful economic and political voice for Negroes.

A month after Malcolm's death, his half-sister, Mrs. Ella Collins of Boston, took over as head of the group. She said Malcolm had named her as his successor the day before his death, a claim that is held in skepticism by his widow and others.

The group still has its headquarters in a room on the second floor of the Theresa Hotel, furnished with modern, upholstered chairs in pastel colors, a large photograph of Malcolm and a blackboard ("Brain Revolution — We must gradually discard old methods, old habits, etc.").

His Widow's Opinion

The group, which no longer has any apparent connection with Islam, has become inactive since Malcolm's death. Mrs. Collins spends much of her time in Boston, where she has a school and real estate holdings. Malcolm's secretary and second-in-command, James Shabazz, reportedly has not been seen around in months. It is said he has returned to his job of door-to-door salesman of kitchen utensils.

Malcolm's widow, Mrs. Betty Shabazz, lives in Westchester County with her six daughters. She has no connection with the group. "I think of all the work and sacrifice he put into it," she says, "and it's saddening and disheartening to see people who know nothing about it taking it over."

Mrs. Shabazz, a gentle woman, says that her husband's thought is gaining ground rapidly, "even in circles that don't want to admit it." She mourns its incompleteness. "A man said to me the other day, 'The void is so deep and the silence is so silent.'"

The widow has an income from a group of entertainers and a group of Protestant ministers who formed funds for her, and from "The Autobiography of Malcolm X," published by Grove Press. The book, which was put together by Alex Haley after extensive conversations with Malcolm, is in its third printing.

What He Predicted

Near the end of the book, printed posthumously, Malcolm predicted what would happen to his thought:

"When I am dead—I say it because from the things I know, I do not expect to live long enough to read this book in its finished form—I want you to just watch and see if I'm not right in what I say: that the white man, in his press, is going to identify me with 'hate.'

"He will make use of me dead, as he has made use of me alive, as a convenient symbol of 'hatred'—and that will help him to escape facing the truth that all I have been doing is holding up a mirror to reflect, to show, the history of unspeakable crimes that his race has committed against my race."

Dr. Michaux, the bookstore owner, agrees. The 70-year-old scholar was asked yesterday in his book-cluttered shop whether he believed Malcolm stood for hatred. "Those," he replied, "are the wrong names for that man."

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Malcolm's Way

PETE HAMILL

I was in Mexico City that Sunday, standing on the rooftop of the house we lived in on Calle Versalles, watching a hawk circle the trees of the Reforma. The hawk moved in ever-diminishing circles and then, suddenly, he dived. I never saw him again.

About seven o'clock, with the day gone, I turned on the radio and heard for the first time that Malcolm X had been murdered in Harlem.

All that evening, we searched for details; Americans in foreign countries seem to spend much of their time on the details of murders. The English language newspaper had only spotty, carbonized reports from the wire services and the other papers were still waiting for more information. Bits and pieces were all we ever got: Malcolm X had been murdered in the Audubon Ballroom in front of 400 people; sixteen bullets or shotgun pellets had hit him, most of them in the chest; police had rescued one suspect from a mob which was kicking him to death; a search was on for others.

By the following day, Malcolm X had already been interred in the graveyard prose of the obituary writer; his death was now a second day story, and long essays were printed about the bloodbath of violence that would follow. When the violence never came off, the story died.

On Monday, three men will go on trial for Malcolm's death and perhaps then we will get something harder and clearer. If we don't, the death of Malcolm X will remain a mystery.

* * *

Malcolm himself is no mystery anymore, thanks to a stunning book called "The Autobiography of Malcolm X" (Grove Press. $7.50). Here, for the first time, we are able to understand why Malcolm's death moved some of us, and why, all these months since February 21st, his presence has remained with us.

More than anything else, this is a book about big-city Negroes, and what life in those cities does to some of the best of them. In any civilized society, a man with the intelligence and style and integrity of mind of a Malcolm Little would certainly have been among the elite.

Instead he became a pimp, a drug pusher, a conman and a hustler, a hold-up man and a convict. Through one of those mysterious accidents which seem to mark the lives of men who change their times, he also became Malcolm X, and for a while at least the wreckage of his life was salvaged. He was told by a brother about the Nation of Islam and suddenly underwent a religious transformation. His book is about what happened afterwards. By the time he died, the man who became Malcolm X had traveled to most of the great capitals of the world, had forced his presence on the minds of most Americans, and had started moving out into an even larger world than the one that had formed him. More than anything else, the death of Malcolm X was a waste of an enormously powerful human being.

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On Friday, I lunched with Alex Haley, the journalist who saved this book from becoming another sloppily-done, quickly conceived non-book for the carriage trade. During the time they worked together, Haley became very fond of Malcolm and his 40-page epilogue is moving and touching.

"I guess I liked him as much as any man I've ever known," Haley said. We talked about the one concrete contribution Malcolm made: setting himself up as the extreme which more moderate Negro leaders could brandish before the U. S. Congress. We talked a bit about Cassius Clay, and Haley said that when Clay stayed with Elijah Muhammad after Malcolm had split with the Muslim leader, Malcolm was deeply hurt. "He was like a brother to Malcolm, a younger brother," Haley said.

I remembered once, covering a Muslim meeting in Harlem, how impressive Malcolm had been and how feeble Elijah Muhammad had seemed beside him.

Muhammad had seemed to me that day to be just another one of a long line of Negro conmen, making money by building self-esteem. His voice was cackly and broken, his sentences choppy and illiterate. But Malcolm was something else again. He came to the platform, his shoulders sloping like a prize-fighter's, his head leaning forward, the muscles in his neck taut and straining, the words pouring forth with a volcanic fury. He was a hawk that day, lashing the white man, exhorting his brothers to be better men, better Negroes.

* * *

After lunch, Haley went on to another appointment, and I came down to the office. The newspaper clippings are already beginning to yellow and perhaps in a few more years, Malcolm X will be forgotten.

But I don't think so. He has not yet been replaced, and I doubt if the Muslim sect will survive his memory. For seven or eight years he was the man who articulated the Negro's fury for us. He did it with the language of white men and the knowledge of the streets.

He left the meeting in Harlem that day surrounded by followers and bodyguards walking through the streets of Harlem in lithe, quick steps. Like the hawk in the sky on the day he died, I never saw him again.

MALCOLM X, WHILE IN AFRICA, advocated the need for a transfer of Mau-Mau tactics to the United States. He got a cold reception from all African heads of state whom he had hoped to win over.

The annual income of a manual worker in Central and East Africa is still less than $100 per year. In backward districts it is a lot less. Averages about $48 a year. They pay more than that in Mississippi!

Africa's biggest glutton is the hippo. The stomach of a hippo has an average food content of 470 pounds. About one-fifth of its normal weight.

The green mamba is rated the deadliest of all snakes. But a sl[illegible]ter menace is a native spear tipped with acokanthera root poison. It kills within 10 minutes with absolutely no antidote.

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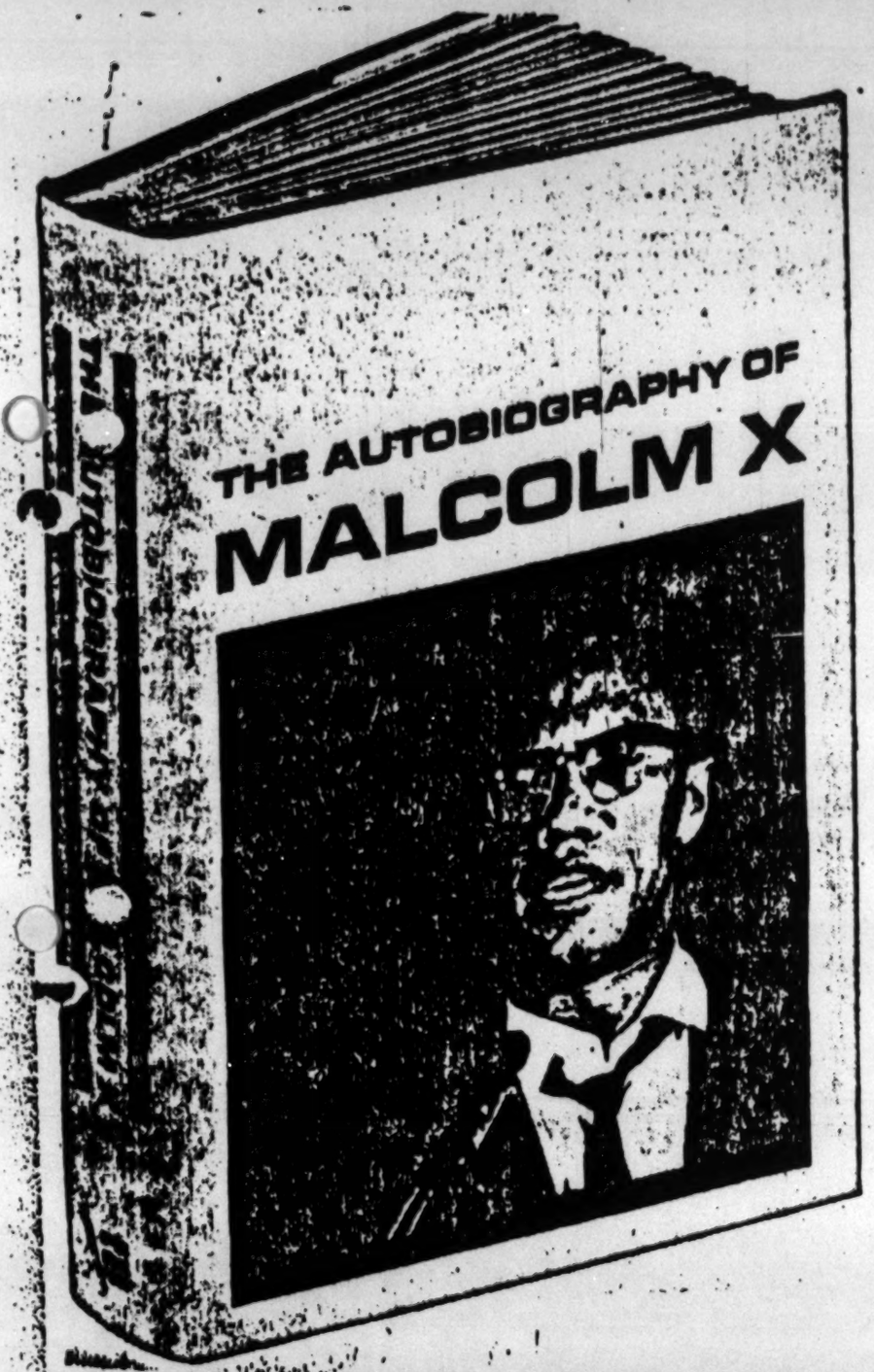

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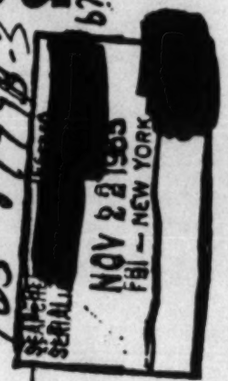


Its dead level honesty, its passion, its exalted purpose, even its manifold unsolved ambiguities will make it stand as a monument to the most painful of truths."

–Truman Nelson, THE NATION

"The Nation" 11/22/65 p. 352

He rose from hoodlum, thief, dope peddler, pimp...to become the most dynamic leader of the Black Revolution. He said he would be murdered before this book appeared.

Much more than an absorbing personal narrative, THE AUTOBIOGRAPHY OF MALCOLM X is a testament of great emotional power, from which every American has much to learn.

It is one of the most revealing portraits of the Negro underworld ever written down—not by an outsider, but by one who was a part of it.

It is also a unique inside view of the "Black Muslims", as seen through the eyes of its master organizer, the magnetic and articulate leader, ultimately at odds with the movement he helped to build.

But above all, this book shows the Malcolm X that very few people knew, the man behind the stereotyped image of the hate-preacher—a sensitive, proud man whose plan to move into the mainstream of the Negro Revolution was cut short by a hail of assassins' bullets.

This is how a ...ter of white men is made:

"I remember being s... suddenly snatched awake into a frightening confusion of pistol shots and shouting and smoke and flames. My father had shouted and shot at the two white men who had set the fire and were running away. Our home was burning down around us. We were lunging and bumping and tumbling all over each other trying to escape. My mother, with the baby in her arms, just made it into the yard before the house crashed in. The white police and firemen came and stood around watching..."

This is what it's like to pull a stickup:

"For working, I carried a .32, a .38 or a .45. I saw how when the eyes stared at the big black hole, the faces fell slack and the mouths sagged open. And when I spoke, the people seemed to hear as though they were far away, and they would do whatever I asked..."

This is how the vice trade of Harlem serves its white patrons:

"A madam I'd come to know introduced me to a special facet of the Harlem night world. It was the world where, behind locked doors, Negroes catered to moneyed white people's weird sexual tastes... Anything they could name, anything they could imagine, anything they could describe, they could do, or could have done to them, just as long as they paid... The perversities! I thought I had heard the whole range of perversities until I became a steerer taking white men to what they wanted..."

This is how to get the beginning of an education in prison:

"I spent two days just riffling uncertainly through the dictionary's pages. I'd never realized so many words existed! I didn't know which words I needed to learn. Finally, just to start some kind of action, I began copying. In my slow, painstaking, ragged handwriting, I copied into my tablet everything printed on the first page, down to the punctuation marks. I believe it took me a day. Then, aloud, I read back to myself everything I'd written. Over and over, aloud, to myself, I read my own handwriting..."

This is what it's like to be a man marked for death:

"Every morning when I wake up, now, I regard it as having another borrowed day. In any city, wherever I go... black men are watching every move I make, awaiting their chance to kill me... I know, too, that I could suddenly die at the hands of some white racists. Or I could die at the hands of some Negro hired by the white man. Or it could be some brainwashed Negro acting on his own idea that by eliminating me he would be helping out the white man, because I talk about the white man the way I do."

"A strong diagnosis of America's sickness in one Negro's odyssey... essential reading for anyone who wants to understand the plight of American Negroes... His description of the cut-throat competition between the hustlers and their fraternity is both frightening and moving. He recounts perversions with racial overtones, of white men begging to be beaten by black women, or paying large amounts to witness interracial sex that make Genet's *The Balcony* seem inhibited by comparison."

—Bayard Rustin, BOOK WEEK

"This extraordinary autobiography is a brilliant, painful, important book... As a document for our time, its insights may be crucial; its relevance cannot be doubted."

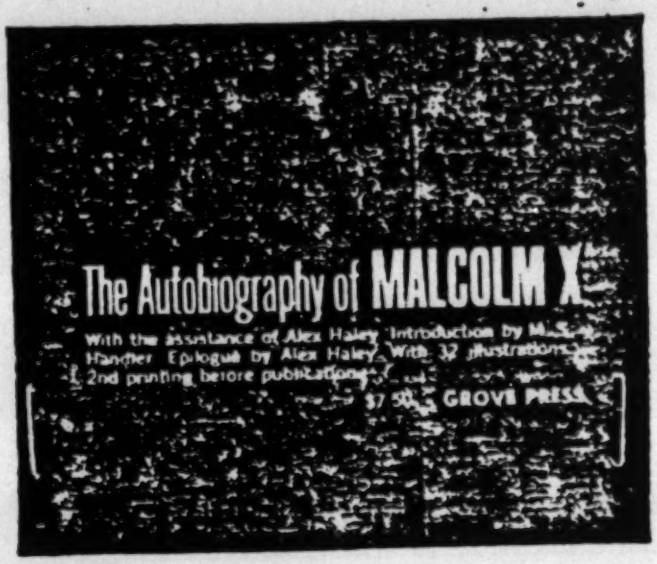
—NEW YORK TIMES

"In the age of this brilliant Negro's self-creation [is] the agony of an entire people in their search for identity. No man has better expressed his people's trapped anguish."

—NEW YORK REVIEW OF BOOKS

"Filled with power and passion."

—NEWSWEEK



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One Year Ago

The murder of Malcolm X took place over one year ago, in plain view of hundreds of witnesses, including scores of policemen, plainclothesmen, and of course, FBI agents. Unlike the kangaroo court trials that have been held in the South for the murder of civil rights workers, the killer or killers of Malcolm X have not even been brought to trial. One wonders whether there is as much difference between Haynesville, Alabama and New York City as we would like to believe.

LEROY McLEAN.

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N.Y. Post

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He rose from hoodlum, thief, dope peddler, pimp— to become the most dynamic leader of the Black Revolution

He said he would be murdered before this book appeared

"This is one of the great books of the world. Its dead level honesty, its passion, its exalted purpose, even its manifold unsolved ambiguities will make it stand a monument forever to the most painful of truths."
—TRUMAN NELSON, *The Nation*

The Autobiography of MALCOLM X

With the assistance of Alex Haley. Introduction by M. S. Handler. Epilogue by Alex Haley. With 32 illustrations. 2nd printing before publication.

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SECTION 2

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(March 1966 - May 1969)

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Marking Birthday Of Malcolm

Monday, May 19, marks the birthday of assassinated leader El Hajj Malik Shabazz, Malcolm X.

The Malcolm X Scholarship Fund, whose chairman is his widow, Mrs. Betty Shabazz, is sponsoring a celebration of his birthday in the auditorium of PS. 92 located on 134th St. between Seventh and Eighth Avenues.

Activities will begin promptly at 8 p.m. Among the participants in the program will be Ossie Davis, Brock Peters, John Henrik Clarke, the Afro-American Folkloric Troupe, the National Black Theatre Workshop, Inc. and youth from the Laroque Bey Dance School.

The recently - formed scholarship fund decided that "the best way to honor the memory of Brother Malcolm is to do something for black youth, a group always close to his heart. To get the new scholarship fund off to a strong start, we are asking a donation of two dollars ($2) from all who attend the celebration."

(Indicate page, name of newspaper, city and state.)

2 Amsterdam News

Date: May 17, 1969

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Editor:

Title:

Character:

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Classification:

Submitting Office:

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DAILY NEWS 5-22-67 P8

Malcolm X Followers Riot in Chicago; Nab 18

Chicago, May 21 (UPI)—Followers of the late Black Muslim leader Malcolm X, angered by two white girls, enraged at removal of a sign they erected in a city park, and blocked by police from defacing a statue of George Washington, rioted on Chicago's South Side today.

At least seven persons were reported hurt.

Police said 18 persons, including juveniles, were arrested.

The disorder occurred in and around Washington Park, where the Afro-American Students Association had a rally marking the birthday of Malcolm X.

Followers erected a sign renaming the park in the name of Malcolm X. They became violent when police removed it for lack of a permit to place a sign on public property.

(Malcolm X was shot to death while addressing a rally at a ballroom in New York on Feb. 21, 1965).

Police said an estimated 500 persons remained orderly for more than two hours. Then two young white girls of college age appeared and began shouting, "We should all live together."

(Black Muslims oppose intermingling of Negroes and whites.)

The girls were set upon and beaten. Not identified by police, they were rescued by Negro undercover officers and whisked off in an unmarked car.

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Williams to Handle 3 Muslims' Appeal In Malcolm Killing

WASHINGTON, Sept. 7 (UPI) — Edward Bennett Williams, considered one of the best constitutional lawyers in the country, said today his firm had been retained to appeal the convictions of three Black Muslims accused of killing Malcolm X.

Malcolm was shot down Feb. 21, 1965, as he began to address a gathering of his breakaway black nationalist organization at the Audubon Ballroom in Upper Manhattan.

Following an eight-week trial, Talmadge Hayer, 24 years old, of Patterson, N.J., and Norman 3X Butler, 26¼ and Thomas 15X Johnson, 30, both of the Bronx, were sentenced to life imprisonment.

Williams said his firm had been retained by "friends and those closely related to the accused men." He said the Appellate Division of New York Supreme Court had been advised of the appeal.

Black Muslims Denied Role

Spokesmen for the Black Muslims have consistently denied any participation in the killing. They also denied having had anything to do with the subsequent trial and refused to discuss the three defendants. Black Muslim spokesmen in New York and Chicago, where the group's headquarters is situated, declined comment on yesterday's development.

Sources close to the group have speculated, however, that the Black Muslims are meeting the expenses of the court cases.

The three men were convicted and sentenced last April and would become eligible for parole after they had served 20 years eight months. All had pleaded

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E. B. WILLIAMS IN HAYER CASE

Will Handle Appeal Of Malcolm X Killers

By EDWARD NORTON
(Staff Writer)

Washington, D. C. — Edward Bennett Williams, nationally - known trial lawyer, has been retained to prepare the mandatory appeal in New York Supreme Court for Talmadge Hayer of Paterson, N. J., and two others sentenced to life imprisonment for killing black supremist Malcolm X.

Williams, who has made headlines for his legal counseling of such controversial figures as Teamster boss Jimmy Hoffa, is reportedly retained by Hayer's family and friends.

At the Hayer family home at 271 Marshall Street, Paterson, yesterday an unidentified woman cousin of the convicted man, said she didn't know anything about retaining Williams, and added she knew his family was unaware of the appointment. Other members of the Hayer family could not be reached.

Williams, said to be among the highest paid trial lawyers in the nation, was unavailable yesterday at his office. His secretary said the attorney was leaving the Capital for a day trip, though he was not going to New York.

Also eligible for the mandatory appeal are Normas 1X Butler and Thomas 15X Johnson, both of New York, convicted with Hayer of killing the Black Nationalist leader at a Harlem rally Feb. 21, 1965.

If appeal fails, the three convicted killers will serve at least 20 years before eligible for parole.

"The Record"
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1 "THE N.Y TIMES" p. 1, 33, Col 1 9/8/66

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DAILY NEWS, THURSDAY, JUNE 16, 1966 68

Malcolm X Kin Tells Plan for Negro Colony

By HARRY SCHLEGEL

Plans to establish a "black community" on 1,000 acres near Albany were announced here yesterday by Mrs Ella Collins, of Boston, president of the Organization of Afro-American Unity. Mrs. Collins is a sister of the assassinated black nationalist Malcolm X.

At her Hotel Theresa headquarters, Mrs. Collins would not say specifically where the upstate community will be located, beyond that it was not far from the state capital.

Homes for 250

The group hopes to move some 250 Negroes there within the next four months she said.

"We will build a monumental example of what black people can do for themselves," Mrs. Collins said. "We will have a firmly organized society, pooling togther small portions of our earnings and applying our labor."

Mrs. Collins said the project would be the first of many others throughout the nation.

Estimated cost of the land is $145,000, Mrs. Collins revealed, and her group still has "a very large sum left to pay." She said it would be paid through contributions from "black people throughout the world."

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MOURNERS MARK 'MALCOLM X DAY'

Black Nationalist Is Honored in Graveside Program

By THOMAS A. JOHNSON

FERNDALE, N. Y., May 19 —The sounds of Arabic, of the West African language of Yoruba and of a Negro spiritual drifted across the rolling, haze-shrouded hills of Ferncliff Cemetery today as 50 mourners paid tribute to Malcolm X at his graveside.

It was one of several ceremonies during the day in which the Black Nationalist's followers marked the first "Malcolm X Day." The day-long commemoration also included entertainment by African dancers, speeches and a dinner at the Hotel Theresa in New York City. Malcolm was born, as Malcolm Little, on May 19, 1925.

Earlier yesterday Mrs. Ella Mae Collins, Malcolm's half-sister, who inherited the leadership of his Organization of Afro-American Unity, said the group would soon start a plan calling for the pooling of earnings, so members could "build what others are begging for."

A former Black Muslim follower of Elijah Muhammad, Malcolm X was assassinated at a Manhattan meeting hall on February 21, 1965, about a year after he broke away from Mr. Muhammad. Three men, who police say are followers of Mr. Muhammad, were convicted of the killing and sentenced to life in prison last month.

A Plea for Strength

At the graveside, marked by a simple brass plate reading "El Hajj Malek Shabazz—Malcolm X," the mourners heard a Moslem priest, El Hajj Heshaam Jaaber, ask Allah for strength to carry out the programs of the man they met to honor.

El Hajj Jaaber, who had conducted the burial service when the Black Nationalist was laid to rest last year, spoke in both Arabic and English.

He was followed by the robed spiritual leader of the Yoruba Temple in Harlem, who intoned first in English and then in Yoruba. The leader, Baba Adefumi asked that the spirit of Malcolm X and those of other dead Negro leaders help with the problems of the Harlem community.

Follow African Practice

Mr. Adefumi and his followers, estimated by himself at 120 persons, practice the Orisha Vudu (or Voodoo) religion of West Africa, which they say has ancestor worship as one of its tenets.

A chorus of six men from the Organization of Afro-American Unity then led the mourners in a song of praise to Malcolm that borrowed the tune of the Negro spiritual "Let My People Go."

They sang: "Malcolm X, you will always live — your death, your life, will not have been in vain."

Missing from the ceremonies was the widow of the Black Nationalist, Mrs. Betty Shabazz. Sources within the organization said Mrs. Shabazz and Mrs. Collins do not get along.

New Program Promised

Mrs. Collins told newsmen at the Hotel Theresa in Harlem yesterday morning that she would soon start "Project One, an economic program for black people of America."

While she declined to go into details, Mrs. Collins said the project would seek to make the Negro financially independent. Negro leaders, she said, have "produced absolutely nothing," but her organization intends to put money in the Negro community to good use. "We want to prove to the black man that he is capable of doing something for himself," she said.

Mrs. Collins would not discuss the size of the organization's membership. Many Harlem observers feel that the group never built a sizable following and that with the death of Malcolm X, only a hard core, perhaps a few score members, now remain.

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34 NEW YORK TIMES

Date: MAY 20 1966
Edition: LATE CITY
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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 7/7/84 BY 2269 JHS/ WEB/RD

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MUSLIM DENIES ROLE OF DEATH OF MALCOLM X

Johnson Tells Jury He Was At Home During Slaying

New York (UPI) — Denying any part in the Audubon Ballroom slaying of Black Nationalist leader Malcolm X, the last of three men charged with the murder stuck to his story under cross-examination yesterday.

Thomas 15X Johnson, 30, of the Bronx, held to his testimony that he had been at home Sunday, Feb. 21, 1965, when the renegade Black Muslim, Malcolm X, was gunned down.

Admitting he had acted as a lieutenant in the Black Muslim Fruit of Islam, Johnson said he had been a narcotics addict with a "$10-to-$15-a-day habit" when he joined the sect in 1962.

But he denied testimony from earlier witnesses in the trial, who testified Johnson was seen carrying a gun in the ballroom the day of the shooting.

"I never handled any gun anytime in my life," he contended.

Johnson said he had spent the day of the slaying at home, saying his Muslim prayers during the morning and later, helping to clean the house and feed the children.

The first he heard of the murder was Sunday evening, Johnson said, when a neighbor, Edward 4X Long, visited him and told him the news.

Long and his wife, Muriel, have testified they saw Johnson at home in bedclothes that Sunday evening, but neither could say where Johnson was when Malcolm X was shot earlier in the day.

Johnson is standing trial with Norman 3X Butler and Talmadge Hayer.

Hayer surprised the court Monday by confessing he shot Malcolm X while the Black Nationalist leader was addressing a group of followers.

But Hayer contended Johnson and Butler were not involved in the slaying. Admitting he had acted with three of four others, Hayer refused to give their identity.

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Murder Confession Called Christian Act

By EVELYN LEOPOLD
(Staff Writer)

New York — Talmadge Hayer of Paterson is innocent of the murder of Malcolm X, despite his confession — an act of Christian charity, his attorney told the Supreme Court yesterday.

In a 2¼-hour summation, Peter L. F. Sabbatino said the Paterson man's motive in admitting his guilt was a noble gesture to free his two codefendants.

"He wanted to tell the truth for (Norman 3X) Butler and (Thomas 15X) Johnson," the lawyer said. "There was no reason for him to do this except his sense of Christian virtue, Christian charity. . . . There was so much evidence presented against him, he decided to testify."

Sabbatino claimed Malcolm's own bodyguards conspired to assassinate him and planted evidence on Hayer, whom he described as neither a follower of the slain Black Nationalist leader nor a Muslim.

Hayer, 24, of 347 Marshall Street, startled the court last Monday when he reversed his plea of not guilty and confessed that he and three other men were hired to gun down Malcolm on Feb. 21, 1965, at the Audubon Ballroom in Manhattan.

He was adamant in insisting Butler and Johnson had nothing to do with the murder.

However, Sabbatino, yesterday conducted most of his defense as if Hayer's admission were never made — waiting until the last half-hour of his eloquent but long summation to speak of the confession.

At one point, as the 74-year-old defense attorney quoted Hayer's earlier testimony, in which he denied any part of the slaying, Supreme Court Justice Charles Marks chided him with:

"Perhaps the counselor has forgotten the testimony given by his client."

Then, urging the jury to disregard the confession, Sabbatino charged Malcolm's lieutenants, headed by Reuben X. Francis, protected the real killers by concealing the murder weapons and wiping them clean of fingerprints.

As for the clip of bullets found in Hayer's pocket when he was arrested outside the ballroom, Sabbatino said:

"Somebody put the clip in the toilet and then watched who picked it up, and when the assasination took place, he informed police. . . ."

If the police had appeared in the ballroom in uniform rather than street clothes, Sabbatino contended, the assasination would have been thwarted.

"Let us assume they (the police) are geniuses," he shouted at the 12-member jury. "They still fouled up this case. . .fouled it up."

William C. Chance, attorney for Butler, in his 1-hour summation, also chastised police for neglect the day Malcolm was killed.

"You heard testimony," he told the jury, "of a policeman in the room with a walkie-talkie, and he didn't know where the other end of the walkie-talkie was. . . .It was in the hospital where Malcolm's body was taken. . . .I say to you that this smells to high heaven."

Chance, as well as Charles Beavers, attorney for Johnson, contended their clients were known as Harlem Muslims to Malcolm's followers and, therefore, easily identifiable.

The State maintains that the three men were all active Muslims, and were part of a plot to assassinate Malcolm because of his defection from the sect led by Elijah Muhammed.

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NY AMSTERDAM NEWS 4/23/64
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3 Will Appeal Terms For Malcolm X Murder

An appeal of their conviction of murder of Malcolm X will be made by the three men sentenced to life imprisonment last Thursday for his death.

Lawyers for the three, Norman 3X Butler, Thomas 15X Johnson and Talmadge Hayer, reportedly have started the legal process of preparing papers to ask a higher court to review their trial and conviction of the Muslim defector who was mortally wounded on Feb. 21, 1965, at the Audubon Ballroom.

Supreme Court Justice Charles Marks sentenced each man separately in the heavily guarded court room.

Hayer's attorney Peter L. F. Sabbatino vainly sought an adjournment of the sentencing. He told the court that Hayer was in need of treatment for the gunshot wound he suffered at the scene of Malcolm X murder. Judge Marks denied the request and stated that the prisoner would receive treatment in prison.

Butler's attorney William C. Chance, requested an adjournment in order to produce certain evidence which he said might fall in the category of new evidence on behalf of his client. The judge denied this request also and said new evidence may be presented at any time.

Attorney Joseph Pickney sought an adjournment for Johnson because his associate, Charles T. Beavers, was ill and unable to attend the sentencing. His request was also denied.

Mrs. Betty Shabazz widow of Malcolm X, arrived late but was in court when Johnson was sentenced. The widow refused to make any comments on the sentencing.

The spectators wispered about the confession of Hayer who had dropped a bombshell in the court room on Feb. 28 when he stood up and confessed to taking part in the fatal shooting of Malcolm X. He admitted there were two others but exonerated his co-defendants.

Also in the courtroom were the wives of Hayer and Johnson. Butler's wife was not present.

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GET LIFE TERMS IN MALCOLM CASE

Sentenced for 1965 Murder of Black Nationalist

By JACK ROTH

In a heavily guarded, locked courtroom that was opened only to permit the widow of Malcolm X to enter, the three men convicted of killing the black nationalist leader were sentenced to life in prison yesterday.

The terms were imposed on Talmadge Hayer, Norman 3X Butler and Thomas 15X Johnson, all Negroes, by Supreme Court Justice Charles Marks. All were identified at their trial as Black Muslims.

Under the law a life sentence is tantamount to a sentence of 40 years to life, which means the defendants will become eligible for parole after serving 26 years and 8 months.

A jury of nine men and three women deliberated for more than 20 hours last month before finding each defendant guilty of first-degree murder.

The trial took a startling turn when Hayer, on the witness stand, changed his earlier testimony and admitted he had taken part in the killing. But he asserted that his co-defendants were innocent.

Broke With Black Muslims

Malcolm was shot to death Feb. 21, 1965, in the Audubon Ballroom at 166th Street and Broadway, as he addressed a rally of 400 persons. A former supporter of Elijah Muhammad, the Black Muslim leader, he was slain about a year after breaking with the Muslim movement to set up his own group, known as the Organization of Afro-American Unity.

Court attendants and police personnel, including policewomen, searched spectators who entered the courtroom before the sentencing calendar was called. The courtroom was locked when the sentencing of Hayer was begun. Mrs. Betty Shabazz, Malcolm's widow, was searched and sat in a back row of the court to hear the sentencing.

Hayer, 24 years old, of 347 Marshall Street, Paterson, N. J., stood next to his lawyer, Peter Sabbatino. Four court attendants surrounded Hayer.

Mr. Sabbatino told Justice Marks that "the solution here will not be supported by history."

He then asked for an adjournment of the sentencing, saying his client was in pain as a result of a bullet wound he suffered while trying to escape from the ballroom after the killing. Justice Marks denied the motion.

The life sentence brought no sign of emotion to Hayer's face.

Others Receive Their Terms

The next to be sentenced was Butler, 27, of 661 Rosedale Avenue, the Bronx. He was represented by William C. Chance Jr., who also vainly sought an adjournment.

Johnson, 30, of 330 Bronx Park South, the Bronx, was represented by Joseph Pinckney, who told the court that he had intended to ask for an adjournment, but had been asked by his client not to do so.

Mrs. Shabazz declined to comment as she left the court. When she was a witness at the trial she said as she passed the three defendants: "They killed my husband. They had no right to kill my husband."

The prosecution was conducted by assistant district attorneys Vincent J. Dermody and Gerald J. Ryan. Mr. Dermody recently was promoted to head the homicide bureau in Manhattan District Attorney Frank S. Hogan's office.

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36 Daily News

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Malcolm Slayers Get Life

By James W. Sullivan
Of The Herald Tribune Staff

The three men accused of the murder Feb. 21, 1965 of Malcolm X, in the Audubon Ballroom yesterday, were sentenced to life imprisonment by Supreme Court Justice Arthur Marks.

Talmadge Hayer, 24, of 347 Marshall St., Paterson, N. J.; Norman 3X Butler, 27, of 661 Rosedale Ave., the Bronx, and Thomas 15X Johnson, 30, of 932 Bronx Park South, the Bronx, took their sentencing without visible emotion and had no statements to make. Surprisingly, most of the spectators in the closely guarded courtroom on the 11th floor of the Criminal Courts building were white.

The few Negroes present included Mrs. Etta 2X Johnson and Mrs. Betty Hayer, wives of two of the defendants, and other relatives of Hayer. Mrs. Betty Shabazz, wife of the murdered Black Nationalist leader who was present at his assassination, also slipped into the courtroom during Johnson's sentencing, but refused to make any comment about her appearance.

Butler's wife, Theresa, did not appear. Also notably missing were representatives of the Black Muslims and Malcolm's Black Nationalist organizations, although both Johnson and Butler were members of Harlem's Mosque no. 7 and Malcolm had been minister of the Mosque before he was suspended and then defected.

None of the defense attorneys made pleas for mercy because the conviction of the three men on first degree murder charges by a jury on March 11 carried a manda-

NO MERCY PLEAS

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tory life sentence.

However, both Peter L. F. Sabbatino, Mayer's attorney, and William Chance, attorney for Butler, asked for a delay of sentecing and were refused. Mr. Sabbatino said Mayer needed further examination at Bellevue Hospital for a bullet wound suffered at the time of the assassination and Mr. Chance said he had evidence which might change the verdict, but was unable to present it yesterday.

Joseph Pinckney, attorney for Johnson, said he planned to ask for a delay in sentencing but his client wanted it done immediately.

3 ~~Men~~ Guilty, But

Who Did Order Malcolm X Killed?

By GEORGE BARNER

Two acknowledged members of Elijah Muhammad's Nation of Islam, who were convicted last Friday with a third man in the murder of Malcolm X, continued to maintain their innocence as they awaited the sentencing set for April 1 by Supreme Court Justice Charles Marks.

The Muslims, Thomas 15X Johnson and Norman 3X Butler, and Talmadge Hayer (Hagen), who ignored them throughout the trial and claimed he had never been a member of the group, face a mandatory life sentence of which a minimum of 26 years and 8 months must be served before they will be eligible for parole consideration. Meanwhile at no time during the trial was it brought who ordered Malcolm X killed.

New York State abolished the death penalty in 1965 except for persons who kill a policeman or who kill someone while in prison on during an escape attempt.

Mrs. Theresa Johnson, wife of Thomas 15X Johnson, told the Amsterdam News she has visited her husband nightly in Tombs since the jury convicted them after 20 hours and 20 minutes of deliberation.

Still Hunt Witnesses

"He's not taking it hard and he hasn't lost confidence that he'll eventually be vindicated," she said. "It's just that he would like to have been able to get bail so he could have rounded up witnesses in his own behalf. Neither one of them is taking it hard because they know they had no part in it and they feel sure that one way or another, sooner or later, the truth is going to come out."

The lawyer for Hayer, Peter Sabbatino, indicated at the time of sentencing that he would try to question witnesses to the killing who did not testify at the trial. Justice Marks denied his request to have Assistant District Attorney Vincent J. Dermody, who conducted the two-month prosecution, turn over to the defense copies of all statements of witnesses to the assassination who were not called to the stand at the trial, saying there was no provision in the law covering the matter:

The Amsterdam News learned this week that several persons who were members of Malcolm's organization and who were assertedly witnesses to the crime — and who were not called to testify — have made known to Mrs. Johnson their willingness to testify to apparently material facts substantially at variance with those which led to the conviction of Johnson and Butler.

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What Tipped Jury Scale To Guilty in 'X' Case

By M. DAVID LEVIN
Journal-American Staff Writer

Talmadge Hayer's courtroom confession "exonerating" his two co-defendants in the slaying of Malcolm X dramatically backfired today as a Supreme Court jury convicted the trio of first degree murder.

In interviews with jurors, The Journal-American learned that the attempt to exonerate Norman 3-X Butler and Thomas 15-X Johnson was a most damaging piece of testimony in convincing the jury that all three shot the Black Nationalist leader to death in the Audubon Ballroom on Feb. 21, 1965.

The convicted men displayed no emotion as the verdict was returned at 12:20 a.m. by the nine men and three women who deliberated for 20 hours and 20 minutes over two days after an eight-week trial.

A life sentence is mandatory and a minimum of 26 years 8 months must be served before eligibility for parole. Justice Charles Marks set April 14 for sentencing.

"We came to the conclusion that all the evidence did identify Hayer as an assassin and that he made the confession to save the other two," a juror said. "The concensus, I believe, was that he confessed only to save the other two. He

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was caught at the scene and the others weren't and we figured that's why he thought he couldn't lose much."

"The greatest difficulty," one juror explained, "was in placing Butler and Johnson in the ballroom.

"We took five, six, maybe seven ballots on each. After each ballot, we discussed anything that seemed a troublesome point and asked for a rereading of the testimony or to see some particular exhibits.

"Once we tied them into the ballroom, then the people who identified them as being there were right, to our minds. But we had a lot of trouble on the credibility of the witnesses."

Several defense witnesses testified that Butler, 37, of 661 Rosedale ave., and Johnson, 30, of 932 Bronx Park South, both of the Bronx, were at home on the afternoon when Malcolm was shot down in front of about 400 of his followers at a rally.

Both Butler and Johnson testified that they were lieuenants in the "Fruit of Islam," the Black Muslim elite guard. One witness testified that they were in the sect's "enforcement squad." Both were out on bail at the time of the killing for allegedly shooting another Black Muslim defector.

Malcolm X, once the chief disciple of Black Muslim leader Elijah Muhammad, was suspended from the sect for stating that the assassination of President Kennedy was an example of "chickens coming home to roost."

Hayer, 34, also known as Thomas Hagan, of 347 Marshall st., Paterson, N. J., was wounded in the left thigh by Malcolm's bodyguards as he fled the ballroom and was taken into police custody while he was being thrashed by a mob.

"Hayer we took first," a juror recalled. "Him we disposed of right away. Johnson took considerably longer to place in the ballroom — four witnesses against six on Butler."

"The men were more difficult convincing than the women. But it was a harmonious jury, we had no quarrels, we reasoned out the difficulties peacefully. It wasn't a pleasant job to do, though."

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Malcolm X's Widow Scores Suspects

By THOMAS BUCKLEY

In a voice of despair and steely hatred, the widow of Malcolm X yesterday denounced the three men who are on trial for his murder.

Leaving the witness stand in Supreme Court, she halted a few feet from the table at which they were seated and cried out, "They killed my husband!"

She tried to turn toward them, but two court attendants seized her by the arms and hurried her to the doorway. Even while they tugged at her, she exclaimed, "They killed him. They had no right to kill my husband."

The outburst followed less than 10 minutes of gentle questioning by Assistant District Attorney Vincent J. Dermody. She was not asked to identify the defendants as being in the Audubon Ballroom, 165th Street and Broadway, last Feb. 21, when the murder took place, and she was not subjected to cross-examination.

The six defense lawyers immediately rushed to the bench to protest and Justice Charles Marks, who is presiding, told the jury of nine men and three women:

"When the last witness left the witness stand she made some statements that may or may not have been audible to you. I direct you to disregard them."

When the afternoon session convened, William C. Chance, lawyer for Norman 3X Butler, one of the accused, formally moved for a mistrial on the further grounds that the widow, who calls herself Mrs. Betty Shabazz, the Moslem name that Malcolm assumed after his pilgrimage to Mecca in 1963, was "staring intently and icily at the defendants" throughout her testimony.

"I watched the defendant intently from a distance of two and a half feet," Justice Marks replied in denying the application, "and it was my observation that she looked straight ahead."

On the witness stand, Mrs. Shabazz was composed at the trial, which goes into its sixth week today. A tall, well-spoken woman in her early thirties, she wore a simple black suit, black pumps, a black velvet hat and a pearl necklace.

She lives with her six young daughters—twins were born in October—in a house in Mount Vernon that was purchased with gifts of money after the murder.

Sitting with her hands folded in her lap and her back straight in the witness chair, she told the jury about removing her children's snow suits as her husband gave the Moslem salutation, "Salaam Alekum," to the 400 persons in the audience at the ballroom.

"Then a lot of things were happening all at once," she said.

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"Chaos's falling, people shouting. Then there was a succession of shots. . . . My babies started crying. They wanted to know if someone was going to kill us. . . . I was trying to quiet them. I pushed them under the bench and I covered the bench with my body."

"And what happened then?" asked Mr. Dermody.

"I heard a gasp," she said. "I looked up at the stage and I couldn't see my husband. I ran to the stage, but they wouldn't let me through. Then I saw him, sprawled on his back."

The prosecution contends that the murder was committed by Butler, Thomas 15X Johnson and Talmadge Hayer, who is also known as Thomas Hagan, all of whom are allegedly members of the Black Muslims, the organization that Malcolm broke with some time before his death.

In the corridor outside the courtroom in the Criminal Courts Building, leaflets were being distributed announcing a "commemoration day solemn march" on Sunday in memory of Malcolm X. Among its sponsors were listed the National Association for the Advancement of Colored People, the Congress of Racial Equality, HARYOU-ACT, and many other civil rights and black nationalist groups.

The march will begin at 10 A.M. at Lenox Avenue and 110th Street and go from there to the ballroom.

Hayer Says He Killed Malcolm X

NEW YORK CITY--A jury sitting in the Supreme Court heard one man admit his guilt in the shooting of Black Nationalist leader Malcolm X while another suspect proclaimed his innocence.

Talmadge Hayer, who had at first denied that he was involved in the killing returned to the witness stand in Justice Charles Mark's courtroom and blurted out that he fired the fatal shots that ended Malcolm's life in the Audubon Ballroom last Feb. 2, 1965.

But Hayer has stoutly denied that either Norman 3X Butler or Thomas 15X Johnson were his companions on that fatal Sunday afternoon. Both Butler and Johnson are accused of the killing.

Under stiff cross-examination by Assistant District Attorney Vincent J. Dermody, Hayer has refused to name who his associates were or who masterminded the killing.

Butler replied emphatically "no" when his attorney, William C. Chance Jr. asked him if he had "anything to do with, or have any knowledge of the assassination of Malcolm X." He claimed that he was at his Bronx home with his wife nursing a sore leg on that day.

When Johnson takes the stand he is expected to offer the same alibi.

Malcolm, who was recruited by the Muslims while he was serving a prison term in Mass. became an articulate spokesman for the black supremacy sect and was responsible for increasing its membership.

But he broke with the group after a controversy with Elijah Muhammad, the leader, and set up his own Afro-American unity organization. He often told intimates that he was sure his "days were numbered" as he felt that his former Muslim associates were out to get him.

Butler admitted, under cross-examination, that he was a member of the Muslim. He said that he was a lieutenant in the Fruit of Islam, the para-military branch of the organization. He and Dermody clashed several times when Butler told Dermody not to shout at him when he asked questions.

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FBI - NEW YORK

Convicted Muslim's Lawyer Asks Right To Quiz Witnesses

By ARTHUR GOLDEN
Of the World-Telegram Staff

The lawyer for one of three men convicted today of slaying Malcolm X said he wants to question witnesses to the killing who did not testify at the trial.

Peter L. F. Sabbatino, attorney for Talmadge Hayer, disclosed his plans shortly after the jury of three white women and nine men—three of them Negroes—returned its verdict.

Sabbatino asked Supreme Court Justice Charles Marks to direct Assistant District Attorney Vincent J. Dermody, who prosecuted the eight-week case, to provide the defense with copies of all statements of witnesses to the assassination who did not take the stand at the trial.

The attorney said he wished the names in order to continue to investigate the circumstances of the killing. But Marks denied the request, saying there was no provision of law covering the point.

It was Sabbatino's client who, in a dramatic moment near the end of the trial, admitted complicity in the slaying. The other defendants, Thomas 15X Johnson and Norman 3X Butler, repeatedly protested their innocence.

Each faces a term of life in prison when they appear before Marks for sentencing April 14. They could be eligible for parole after 26 years and eight months.

The convicted men displayed no emotion as the verdict was returned by the jurors, who had deliberated for 20 hours and 20 minutes. Only five spectators—watched by 18 court attendants and policemen—were present as the jury foreman, George Carter, a Negro chemist, read the verdict.

Marks praised the jurors for their patience during the long trial. The judge said he would order extra compensation of $200 each to the jurors and three alternates in addition to the regular jury fee of $6 a day.

Malcolm X, who defected from the Black Muslim sect, was gunned down before 400 of his followers in the Audubon Ballroom, 165th St. and Broadway, on Feb. 21, 1965.

Both Butler and Johnson testified they were lieutenants in the Fruit of Islam the Black Muslim elite guard. Hayer denied any connection with the organization.

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Verdict On a Murder

As Malcolm X completed the Arabic greeting, "Salaam Aleikum," on Feb. 21, 1965, shots rang out in the Audubon Ballroom on Manhattan's upper Broadway, and the dissident Black Nationalist leader fell dead before his followers.

There were fears at the time that the killing would set off a war between the Black Nationalists and the Black Muslims, from whom the Nationalists had split, and the police and the District Attorney's office moved quickly to apprehend the killers and gather the evidence against them.

Last week Talmadge Hayer, 24, Norman 3X Butler, 27, and Thomas 15X Johnson, 36, were convicted of first degree murder for the slaying. They face mandatory life sentences under which they will serve at least 26 years and eight months. During the trial, which began Jan. 21, Hayer confessed he was the assassin; his co-defendants admitted Black Muslim membership. The prosecution contended the three constituted a Black Muslim "executior squad."

The killing of Malcolm X apparently accomplished its purpose: his dissident movement virtually died with him.

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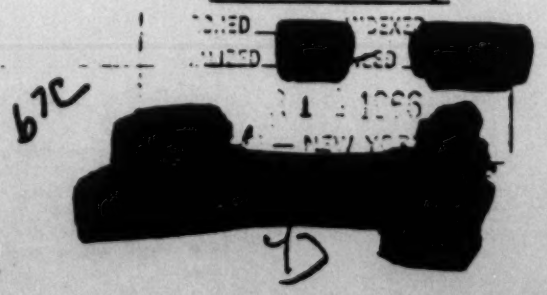

Jury Keeps Trying In Malcolm Slaying

By KENNETH GROSS

The jury deciding the fate of three men accused of murdering Malcolm X was to resume deliberation today after an intensive nine-hour session yesterday.

The panel of nine men and three women retired at 2 a.m. today without reaching a verdict on the charges against Talmadge Hayer, Norman 3X Butler and Thomas 15X Johnson.

Hayer, who first denied taking part in the assassination on Feb. 21, 1965, later admitted having been a participant but said his co-defendants were not involved.

Supreme Court Justice Marks summoned the jury at 11:40 last night, indicating that he would soon adjourn for the night. He asked if they had any questions. Foreman George Carter said they had, and the panel retired to the jury room to put its questions in writing.

A Defense Objection

Butler's attorney, William C. Chance, objected because the jury had not made the first move to ask questions. He called the situation "prejudicial to the defendants." Marks overruled him.

Then Hayer's Lawyer, Peter L.F. Sabbatino, rose and objected because the judge had indicated to the jury that he planned to adjourn at 12:30 a.m.

"It has a coercive effect on the panel," Sabbatino said.

Marks, his voice rising asked, "What's your suggestion then?"

Before Sabbatino could reply, Marks told him not to "clutter up the record."

The jurors asked, in their written questions, whether a secret witness, Ronald Timberlake, could identify Butler or a tweed coat he was said to have worn at the crime scene. Marks read part of the testimony in which Timberlake identified Butler and the tweed topcoat.

The prosecution contends that Hayer and Butler created a diversion in the Audubon Ballroom at 166th Street and Broadway while Malcolm X was addressin ga rally, that Johnson then blasted Malcolm with a shotgun, and that Hayer and Butler then ran to the stage and shot the dying man with pistols.

Rigid security precautions are still being taken at the trial in Room 1300 of the Criminal Courts building. Spectators, men and women, are searched before entering and the room is ringed with guards.

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Three Guilty In the Slaying Of Malcolm X

By BERNARD LEFKOWITZ

Two members of an elite guard of the Black Muslims, and a third man, were convicted of first degree murder today in the assassination of rebel Black Nationalist leader Malcolm X.

The verdict was delivered shortly after midnight by a State Supreme Court jury of nine men and three women. The jury, which included three Negroes, returned the guilty verdict after deliberating for more than 24 hours.

Convicted after an eight-week trial were Talmadge Hayer, 24, of Paterson, N. J., Norman 3X Butler, 27, and Thomas 15X Johnson 30, both of the Bronx.

The three defendants will be sentenced to mandatory life imprisonment on April 14 by Supreme Court Justice Marks.

The scene in the almost emptyempty courtroom, as Negro jury foreman George Carter read the verdict; provided a dramatic contrast to the turbulent Harlem ballroom where the most articulate voice of Black Nationalism was silenced more than a year ago.

Malcolm X, a skilled speaker, a fiery propagandist and a brilliant organizer, was shot to death as he spoke before 400 persons in the Audubon Ballroom, 166th St. and Broadway, on Feb. 21, 1965.

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Confession on the Stand

Malcolm, once the closest confidante of Black Muslim leader Elijah Muhammad, was suspended from the movement for proclaiming that the assassination of President Kennedy was an example of "chickens coming home to roost."

Many of Malcolm's adherants believed that his death was an act of vengeance to silence Malcolm whose, dissident sect was gaining in popularity.

The most dramatic moment in the trial came when Hayer, also known as Thomas Hagan, took the stand to confess to the killing.

Hayer said the other two defendants had nothing to do with the slaying. Both Butler and Johnson had testified earlier that they were lieutenants in the "Fruit of Islam," the Black Muslim elite guard. Hayer denied he was a Muslim.

No relatives were present in the courtroom early today when the verdict came. Five spectators sat in the courtroom guarded by 12 court attendants, five detectives and a uniformed patrolman.

Malcolm X: All 3 Guilty Of Murder

By James W. Sullivan
Of The Herald Tribune Staff

Three men were convicted of first degree murder early this morning in the slaying of Black Nationalist leader Malcolm X during a meeting in February, 1965.

The verdict was returned at 12:20 a. m. in Supreme Court after the jury had deliberated more than 20 hours in two days. It was announced to the court by the foreman, George S. Carter, one of the three Negroes on the jury of nine men and three women.

Justice Charles Marks set April 14 for sentencing the trio, Talmadge Hayer, 24, also known as "Thomas Hagan," of 347 Marshall St., Paterson, N. J.; Norman 3-X Butler, 27, of 861 Rosedale Ave., the Bronx, and Thomas 15-X Johnson, 30, of 932 Bronx Park South, the Bronx.

The verdict means a mandatory life sentence for each defendant, with the possibility of parole in 26 years. Lawyers for the defense reserved motions regarding the verdict until the day the sentences are imposed. The trial began Jan. 21.

Justice Marks, after congratulating the jurors for their performance during

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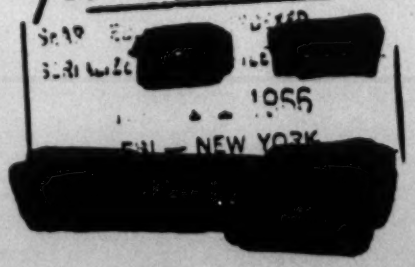

long, arduous trial," announced that he would order extra compensation of $200 to each of them and to the three alternates and also have them excused from further jury duty.

The defendants took the verdict without the slightest display of emotion. There were only five people in the spectators' section, one of them the wife of one of the lawyers, one a neighbor of Johnson and a witness for him, Edward 4X Long.

TESTIMONY

An hour and 30 minutes before it returned its verdict, the jury had returned to the courtroom for the reading of the testimony relating to the positions of Butler and Johnson at the time of the killing in the Audubon Ballroom, 166th St. and Broadway.

It was the only interruption of their deliberations during the day which began at 11 a.m. except for a two-hour break for dinner.

The jury received the case at 2:32 p.m. Wednesday and had taken only meal breaks and a nine-hour break for rest in a hotel since then.

The lengthy deliberations had shaken the prosecution, which had expected a quick verdict at least on Hayer, who confessed on the witness stand that he had participated in the assassination.

ATTORNEY

The defense attorneys had been considerably buoyed by the delay, surmising that the jury was in doubt as to the guilt of Hayer and his two co-defendants, Butler, and Johnson.

The jury was legally able to return a verdict against one defendant before it reached a decision on the other two and, in fact, was asked about a verdict on each individual when it returned to the courtroom.

Hayer denied participating in the crime when he testified in his own defense, but returned to the stand a few days later as a witness for Butler and announced that he knew neither Butler nor Johnson was involved "because I was there and I was involved."

Under cross-examination, he said he had taken the stand to tell the truth and to absolve his two co-defendants, but he refused the pleas of Assistant District Attorney Vincent J. Dermody to "tell the whole truth" and to say who his confederates were, how much he was to have been paid for the murder and who directed the murder.

He said he had participated in the killing with three other men, that none of them was Butler or Johnson, that he had used the .45-caliber pistol found in the ballroom, that he had fired into Malcom's prone body from a distance of about 10 feet, that he had committed the murder for money he never received, and that the assassination had been rehearsed.

SILENCE

But he refused to answer a total of 22 questions, ten of them after Justice Marks had informed him each refusal would be considered a separate violation of his directions. Most of these questions dealt with the Black Muslims and details of the murder plot, including how much he was to have been paid and what the getaway plans were.

In his summation, Mr. Sabbatino, Hayer's attorney, called the confession "a kindly, Christian act" and claimed his client had made it because he was discouraged by the weight of "planted" evidence against him and hoped at least to save the other two defendants.

Mr. Dermody said in his summation that it was "an act of criminal charity" designed to save the other two defendants even though Hayer knew them to be guilty.

WITNESSES

Mr. Dermody called a total of 26 witnesses, most of them to testify to what they had seen of the assassination. Few had seen the entire affair but, pieced together, their testimony was that Hayer and Butler created a disturbance in the audience, Johnson ran to the stage and fired a double-barrelled shotgun into Malcolm and the other two men then ran to the stage and pumped pistol bullets into him.

Hayer was thoroughly identified by every witness, had been shot by one of the bodyguards and captured by Malcolm's followers on the sidewalk outside the ballroom. In addition, police had found one of his fingerprints on a piece of photographic film used to make a smoke bomb—which was dropped in the ballroom as a diversion.

Five witnesses said they had seen Butler in the ballroom and four identified Johnson as one of the men in the ballroom. Both men claimed, that they were in their apartments in the Bronx when the murder took place.

Their wives took the stand to back their stories, but no witnesses were produced who had seen them in their homes at the time of the murder.

Mr. Dermody never proved a motive for the assassination and was not required to under the law.

BIBLE

However, there were frequent references to the Black Muslims during the trial and most of the defense witnesses refused the courtroom Bible when they took their oaths, saying that they were Muslims.

Defense attorneys charged in their summations that Mr. Dermody was accusing the Black Muslims of being responsible for the murder, but he pointed out in his summation that defense witnesses had identified Butler and Johnson as lieutenants in the Muslims' Mosque No. 7 in Harlem and that a defense witness, under cross-examination, had said both were members of the Mosque's hundred-man "enforcement squad" which enforced Muslim policies among the membership and sometimes "shook them up a little."

CONVERSION

Malcolm, who was 39 at the time of his death, had been a narcotics-seller and bandit before he was converted to the Black Muslims while in prison. He became minister of Mosque No. 7 and, as a fiery speaker and brilliant strategist, was largely responsible for the growth of the sect in the late 1950s and early '60s.

However, he was suspended from his duties in late 1963 by Elijah Muhammad, head of the sect, after he remarked that the assassination of President Kennedy was a case of "chickens coming home to roost."

Malcolm maintained that the elderly leader actually was jealous of his young disciple's success and was striking him down. Malcolm became deeply embittered and left the sect, setting up two rival organizations, Muhammad's Mosque, Inc., which was religious, and the Organization of Afro-American Unity, which was described as political.

It was at a weekly rally of the latter organization that he was assassinated.

His wife, Betty Shabazz, was present at the rally with their small children and took the stand briefly in the trial to recount the little that she saw of the assassination.

MALCOLM X JURY FINDS 3 GUILTY

2 Black Muslims and 3d Man Convicted of Murder — Face Life Sentences

By THOMAS BUCKLEY

All three men charged with the killing of Malcolm X, the black nationalist leader, were found guilty of first-degree murder early today.

A State Supreme Court jury of nine men and three women deliberated for 20 hours and 20 minutes before sending out word at 12:20 A.M. that it had reached a verdict.

The panel received the case Wednesday afternoon.

The young Negro defendants —Talmadge Hayer, Norman 3X Butler and Thomas 15X Johnson—were returned to the 13th-floor courtroom in the Criminal Courts Building from detention cells on the floor below to hear the verdict.

Hayer Admitted Guilt

Hayer stunned the courtroom last week by admitting on the stand that he had taken part in the killing. He declared that his co-defendants were innocent.

The convicted men face a mandatory life sentence and will be required to serve a minimum term of 26 years and 8 months before becoming eligible for parole. They will be sentenced April 14.

The death penalty was abolished last year in the state, except for persons who kill a policeman or kill someone in prison or while trying to escape from prison.

Surrounded by court attendants, the defendants waited without apparent emotion as George S. Carter, the jury foreman, rose to deliver the verdict.

Foreman Speaks Softly

Mr. Carter, a slight, bespectacled man in a brown suit, spoke in an almost inaudible voice in response to the questions of the clerk. He was one of three Negro jurymen.

As the jury was polled following the announcement of the verdicts, Butler and Johnson—both acknowledged members of the Black Muslims, the group with which Malcolm X had split—stared straight ahead at Justice Charles Marks. Only Hayer let his eyes rove to the jury box.

Seven spectators were in the courtroom when the jury entered. Two of them, silent, [illegible] man with shaved heads,

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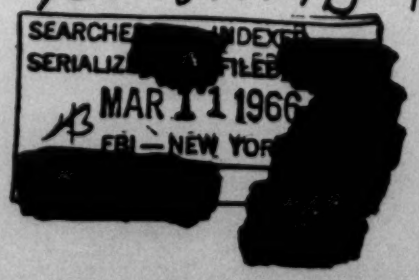

were identified by detectives as members of the Muslims. Three, two women and a man, were said to be former followers of Malcolm X. Watching them closely were 11 court attendants and six detectives, including Ferdinand Cavallaro and John Keely, who led the year-long investigation into the murder of the Negro leader.

In the empty corridor outside the courtroom, six uniform patrolmen waited.

The stringent security precautions that had been in effect throughout the eight weeks of the trial continued in full force on the final night. All spectators were searched before they entered the courtroom.

All the defendants are married. None of their wives were present.

The judge commended the panel for their "good grasp" of the case, and told them that in addition to their stipend of $8 a day he would award them $200 each to compensate them for any losses they might have suffered during the long trial.

Slain After Greeting

The 39-year-old Malcolm, who had become a world figure, died after a shotgun-and-pistol fusillade on Feb. 21, 1965, just as he finished pronouncing the Arabic greeting "Salaam aleikum," to 400 persons at a meeting at the Audubon Ballroom, 166th Street and Broadway.

Assistant District Attorney Vincent J. Dermody, who conducted the case for the state, said that the three defendants formed a carefully drilled assassination squad that had been ordered to eliminate Malcolm as "an object lesson" to his followers.

In the absence of proof, the prosecutor could only suggest that the order had been given by the Black Muslim leadership.

Butler and Johnson acknowledged their membership in the black supremacy organization, but Hayer, who ignored them in the courtroom throughout the trial, denied that he had ever belonged to it.

Hayer, who is now 24, of 247 Marshall Street, Paterson, N. J., was wounded in the left thigh, assertedly by one of Malcolm's bodyguards, as he fled from the ballroom after the killing. He was taken into custody while he was being beaten outside.

Butler, 27, was arrested on Feb. 25 at his home, 661 Rosedale Avenue, the Bronx. The police picked up Johnson at his apartment, 932 Bronx Park South, on March 5. An indictment was handed up against all three on March 10.

After a long delay, while the police sought to gather further evidence, the selection of a jury began on Jan. 12. Nine days later the prosecution opened its case.

In all, Mr. Dermody presented 36 witnesses. Five testified they had seen Hayer in the ballroom with a gun in his hand. Four gave similar testimony about Butler and two said they had seen Johnson, who allegedly emptied both barrels of a sawed off shotgun into Malcolm's chest.

The three sets of defense law-

...ers called a total of 13 witnesses. Peter L. F. Sabbatino, Hayer's counsel, contended that his client, who assertedly had never been a Muslim, had been victimized by a conspiracy among Malcolm's followers.

William C. Chance and Joseph Pinckney, who headed Butler's and Johnson's defense, maintained that the two men were spending a quiet Sunday afternoon at home when the murder occurred.

The murder virtually ended Malcolm's movement. The names of his organization are still lettered on a door in the Theresa Hotel in Harlem, but the door is seldom opened.

His widow, Mrs. Betty Shabazz, who testified briefly during the trial, lives quietly in Mount Vernon, N. Y., with their six young daughters. Twin girls were born seven months after his murder.

Malcolm's secretary, James 37 XShabazz, is selling pots and pans in Brooklyn. His other followers are dispersed.

Malcolm began life as the son of a part-time Baptist preacher in Omaha. He pimped and sold narcotics as Detroit Red in Harlem during World War II, and was an incorrigible, poster known as Satan in Massachusetts prison in 1948, when he was converted to the Nation of Islam.

Preached Against Whites

By 1963, the tall, bespectacled Malcolm, a speaker of great power, had become the best known voice of the cult that preached that all white men were devils and that the Negro, innately their superior, could regain his heritage only if he separated himself from them.

In December, 1963, he was suspended from his duties as minister of Mosque No. 5 in Harlem. Elijah Muhammad, the elederly, autocratic leader of the Muslims, said the suspension resulted from Malcolm's comment: "Chickens coming home to roost never make me sad, they make me glad," in reference to President Kennedy's assassination.

But in his "Autobiography," published after his death, Malcolm argued that he was the victim of jealousy among Elijah Muhammad's sons and a group of sycophants who clustered around them in the Muslims' Chicago headquarters.

In March, 1964, Malcolm finally broke with the Muslims and formed his own organization. His final year of life was a frenzy of activity.

He made a pilgrimage to Mecca, adopting the name carved on his tombstone, el-Hajj Malik el-Shabazz. On his return announced that he had seen that, under the beneficent laws of Islam, that it was possible for people of all races to live together in peace.

Malcolm Case: Fate Of Three To Jury

By James V. Sullivan
Of The Herald Tribune Staff

The State Supreme Court jury deliberating the fate of three men charged with the slaying of Black Nationalist leader Malcolm X last April was locked up for the night at 11:48 a. m. today upon reporting it had not yet reached a verdict. The jury was told to resume deliberation at 11 a. m.

Justice Charles Marks spent four-and-one-half hours instructing the jury before he sent it out at 2:32 p. m. The jury ate lunch before beginning its deliberations about 3 p. m., then interrupted its deliberations at 6 to eat dinner until 8 p. m.

The jury's task was complicated by the fact that one of the three defendants, Talmadge Hayer, 24, had confessed on the witness stand that he participated in the murder, but maintained that both Norman 3X Butler, 27, and Thomas 15X Johnson, 30, the other defendants, were innocent.

Justice Marks, in a reference to Hayer's credibility, told the jury members they could decide that Hayer's story was completely true, that it was completely false, or that it was partly true and partly false.

Forty-five witnesses had trooped into the courtroom, on the 13th floor of the Criminal Courts Building, during the seven weeks of testimony, but Hayer was the most dramatic.

The wiry young Negro testified first in his own defense, to deny that he had participated in the murder or that he had ever been associated with the Black Muslims.

But the next week, he returned to the stand as a witness for Butler and announced that he knew neither Butler nor Johnson was involved in the assassination. "Because I was there and I was involved."

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N.Y. HERALDTRIBUNE

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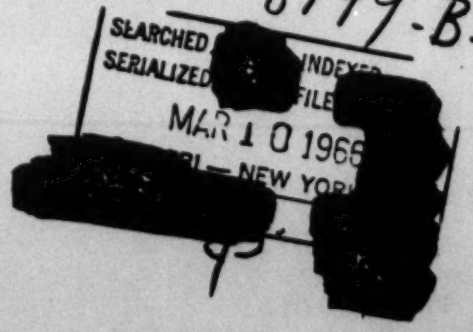

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UNITED STATES GOVERNMENT

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MURRAY KEMPTON

A Lawyer's Honor

SO, ON THE record anyway, it took a jury of nine men and three women 20 hours of intense deliberation to convict Talmadge Hayer of a murder he had already confessed.

Yesterday afternoon there had been the wild unnatural hope that Peter Sabbatino, who was Hayer's lawyer, might have hung the jury. And, right now, against all reason and personal affection for Hayer's victim, there is a part of this witness that wishes he had.

Our criminal courts may be the last precinct left where men work for the love of their art. There was no profit in the trial of the murderers of Malcolm X. The intricate artifices of the prosecution were superbly crafted by Vincent Dermody, an assistant district attorney, who makes less in a year than counsel for outraged wives can make in a week. The defendants were paupers abandoned by old Elijah Muhammed, whose messengers they are presumed to be; two of them had court-appointed attorneys, who made about $15 a day on the job.

Talmadge Hayer, the third, had retained Peter Sabbatino, who could hardly expect to make much more than the other lawyers.

"This case," Sabbatino said yesterday afternoon. "I took it for Christian charity. I won't make enough to pay my law assistant."

Now Talmadge Hayer had been shot running from the scene of Malcolm X's assassination. He had in his pocket a clip from one of the murder weapons. He had been seen firing a pistol by four witnesses. His thumbprint had been found on an unexploded smoke bomb left behind at the scene of the crime.

Week before last, Sabbatino put Talmadge Hayer on the stand in his own defense. His explanations were about as plausible as could be imagined under the circumstances: as an instance, he explained the ammunition clip in his pocket by saying he'd found it in a public washroom.

(Indicate page, name of newspaper, city and state.)

23 NEW YORK WORLD TELEGRAM & SUN

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/4/84 BY SP6 DHE/wsb

Date: 3/11/66
Edition: METRO
Author: MURRAY KEMPTON
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
or
Classification: BU- 399321
Submitting Office: NYO

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105-8999-1B-120

SEARCHED [redacted] INDEXED
SERIALIZED [redacted] FILED
MAR 11 1966
FBI - NEW YORK

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As if that weren't enough of a load to carry for $2 an hour, Sabbatino had next the dreadful experience of seeing Hayer resume the stand to swear that he had taken part in the murder but that his co-defendants were innocent.

So, on Monday last, Sabbatino at 74, had to arise and deliver his summation of the defense for a client reduced by himself and by his prosecutors to that condition.

Peter Sabbatino roared and bellowed as though Talmadge Hayer were Dreyfus and he Clemenceau. He had an explanation for almost everything. Hayer's confession was the self-sacrificing lie of Christian charity.

Still there was the matter of Hayer's thumbprint on the smoke bomb, and nothing under God could get Sabbatino around that. He faced it as a gentleman must.

"As for the thumbprint on the smoke bomb," he said, looking with solemn faith at every juror. "I leave that for you to explain."

On Thursday night, when the jury had been out six hours and its foreman announced that it had reached no decision on the guilt of Talmadge Hayer, Sabbatino looked at that panel and his mouth opened and his jaw dropped down to his collar button.

Yesterday wore on and the jury was still undecided, hour by hour, Sabbatino's faith in the innocence of his client was fortified; by late afternoon, he was even saying that, if he just had a little money, he could get to the bottom of the conspiracy that had made Hayer its victim.

And, a little after midnight this morning, when the jury rendered the only verdict that the evidence and Hayer himself had left open to it, Sabbatino was on his feet demanding that the district attorney's office make available to him all the testimony of the witnesses it had not called, so the defense could have a chance to pursue the conspiracy.

So, for a case that will keep him in hock for six months, Sabbatino had almost managed to believe the impossible. This is a ridiculous craft; and yet how magnificent it can be in its honor. He dreams too much who dreams of hanging a jury for a client who has already hung himself; and yet what a go Peter Sabbatino had given that dream.

FD-350 (Rev. 7-16-63)

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Further Quiz Asked By Muslim's Lawyer

By ARTHUR GOLDEN
Of the World-Telegram Staff

The lawyer for one of three men convicted today of slaying Malcolm X said he wants to question witnesses to the killing who did not testify at the trial.

Peter L. F. Sabbatino, attorney for Talmadge Hayer, disclosed his plans shortly after the jury of three white women and nine men—three of them Negroes—returned its verdict.

Sabbatino asked Supreme Court Justice Charles Marks to direct Assistant District Attorney Vincent J. Dermody, who prosecuted the eight-week case, to provide the defense with copies of all statements of witnesses to the assassination who did not take the stand at the trial.

The attorney said he wished the names in order to continue to investigate the circumstances of the killing. But Marks denied the request, saying there was no provision of law covering the point.

It was Sabbatino's client who, in a dramatic moment near the end of the trial, admitted complicity in the slaying. The other defendants, Thomas 15X Johnson and Norman 3X Butler, repeatedly protested their innocence.

Each faces a term of life in prison when they appear before Marks for sentencing April 14. They could be eligible for parole after 26 years and and eight months.

The convicted men displayed no emotion as the verdict was returned by the jurors, who had deliberated for 20 hours and 20 minutes. Only five spectators—watched by 18 court attendants and policemen—were present as the jury foreman, George Carter, a Negro chemist, read the verdict.

Marks praised the jurors for their patience during the long trial. The judge said he would order extra compensation of $200 each to the jurors and three alternates in addition to the regular jury fee of $6 a day.

Malcolm X, who defected from the Black Muslim sect, was gunned down before 400 of his followers in the Audubon Ballroom, 166th St. and Broadway, on Feb. 21, 1965.

Both Butler and Johnson testified they were lieutenants in the Fruit of Islam the Black Muslim elite guard. Hayer denied any connection with the organization.

(Indicate page, name of newspaper, city and state.)

3 NEW YORK WORLD TELEGRAM & SUN

Date: 3/11/66
Edition: METRO
Author: ARTHUR GOLDEN
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
or
Classification: BU 100-399321
Submitting Office: NYO

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Malcolm Jury Tries Again

The jury in the Malcolm X assassination trial resumed its deliberations today after being locked up in a hotel for the night after it failed to reach a verdict.

The panel of nine men and three women was sent to the Hotel Commodore earlier today by Supreme Court Justice Charles Marks after nine fruitless hours.

The three defendants in the eight-week first-degree murder trial are Talmadge Hayer, 24; Norman 3X Butler, 27, and Thomas 15X Johnson.

They are accused of gunning down Black Nationalist leader Malcolm X in a Manhattan ballroom on Feb. 21, 1965.

Hayer stunned the courtroom when he confessed from the witness stand that he was one of four hired assassins. He declared that Johnson or Butler had no part in the killing.

Malcolm once was chief disciple of Elijah Muhammad, leader of the Black Muslims. He broke with the Muslims in 1964 and set up his own movement.

Butler and Johnson testified they were Black Muslims. Hayer denied any link to the group.

(Indicate page, name of newspaper, city and state.)

3 NEW YORK WORLD TELEGRAM & SUN

Date: 3/10/66
Edition: METRO
Author:
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
or
Classification: HQ 100-399321
Submitting Office: NYO

☐ Being Investigated

ALL INFORMATION CONTAINED
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SERIALIZED INDEXED FILED
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FBI—NEW YORK

FD-350 (Rev. 7-16-63)

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MURRAY KEMPTON

Waiting For the Accident

ALL OUR TRIALS run too long, and it is possible to believe that any juror can carry the weight of this stuff in his head.

The trial of the three young men accused of assassinating Malcolm X ran 39 days. Assistant District Attorney Vincent Dermody used more than four hours to summarize his case, and was universally credited with a masterpiece of condensation. Judge Charles Marks spent three hours 51 minutes on his charge yesterday; and it was generally agreed that no one could have been expected to be any more economical with the burden of summarizing the testimony of 45 witnesses.

Then that slowly moving mass came at last to rest and the jury retired, and the next 12 hours were a process of forgetting old contentions. The world outside those defendants was engaged in re-establishing its old easy fraternity; in the courtroom two of learned counsel for the defense played whist with two Supreme Court attendants, and prosecutor Dermody and defender Peter Sabbatino talked about their old cases.

There was no sign of the flesh of this case except the silent presence of Theresa 7X Butler, and Etta 2X Johnson, the wives of defendants, sitting removed on a bench with no sign that they were any less bored than the rest of us. Theresa 7X read all the way through a copy of the Times she had found by chance beside her.

Outside, in the corridor, the smokers talked about the meaning of Malcolm X and the detectives about the meaning of Howard Leary, and Justice Marks was observed going to an elevator, his robe left in his chambers and wearing nothing more magisterial than a sweater vest.

(Indicate page, name of newspaper, city and state.)

17 NEW YORK WORLD TELEGRAM & SUN

Date: 3/10/66
Edition: METRO
Author: MURRAY KEMPTON
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
or
Classification: BU 100-399321
Submitting Office: NYO

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At 11:30, on no very tangible signal, the court attendants put away their cards, and Theresa 7X her paper and Vincent Dermody took his feet off his chair and Justice Marks came to the bench.

The defendants were brought in. Thomas 15X Butler turned around to smile at his wife, and Talmadge Hayer turned around vainly to see if anyone was waiting for him, and then the jurors filed in, and the defendants were told to rise and hear their judgment.

Foreman George Carter rose from his place and successively replied "We have not" to each question whether they had reached a verdict on each defendant. Justice Marks said he hoped no juror had erected an arbitrary standard and that they would all be open to reason, but that seven hours was not, after all, such a long time to have deliberated and disagreed.

George Carter said that the jury had several questions. Justice Marks said they should be reduced to writing and sent to the bench. Only two questions came back: both dealt with the testimony of one witness about the defendant Butler; Justice Marks read these forgotten words back from the trial record; they seemed to carry the quota of contradiction so common in this case; and you thought of those poor jurors struggling to find something of steel in this haystack and wondered how many more pieces of hay like this one they would get for their struggle.

Then they were gone for another hour and a half; and the judge called them back; the defendants stood again and George Carter gave back his negatives to the question about a decision on each of them, and Justice Marks sent the jury to the Commodore Hotel to sleep on it.

Coming down in the elevator, Justice Marks said pleasant things about defender Charles Beavers' astrakhan hat and about how tired prosecutor Dermody looked.

Outside on the street, journalists, detectives, and counsel for the defense conferred over ways of sharing what few cabs there were downtown at this hour. By now we were all one family. Except, of course, the defendants.

JURY DELIBERATING MALCOLM X SLAYING

A Supreme Court jury began deliberating at 2:30 P.M. yesterday on the fate of the three men accused of having killed Malcolm X, the black nationalist leader.

Deliberations continued, with a two-hour recess for dinner, until 11:40 P.M., when the jury reported it had been unable to reach a decision. The judge then instructed the jurors to resume their session. At 1:50 A.M. the jury was excused for the night and sent to the Commodore Hotel. Deliberations will resume at 11 A.M.

One of the defendants, Talmadge Hayer, 24 years old, admitted his guilt from the witness stand on Feb. 28.

The panel of nine men and three women received the case after hearing a charge by Justice Charles Marks.

At 11:40 P.M., George S. Carter, the foreman and one of the three Negroes on the jury, said "no" each time when asked by the clerk of the court if a verdict had been reached on Hayer or his co-defendants, Norman 3X Butler and Thomas 15X Johnson.

Mr. Carter, a chemist, then posed two questions concerning the testimony of Ronald Timberlake, a Transit Authority employe, who appeared at a closed session of the trial. Mr. Timberlake had said that he saw Butler and Hayer fleeing from the Audubon ballroom, the scene of Malcolm's murder, on Feb. 21, 1965.

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MAR 10 1966
FBI — NEW YO[redacted]

Malcolm Prosecution Sums Up the Case

Assistant District Attorney Vincent J. Dermody asked a jury of nine men and three women to return a verdict of guilty of first-degree murder against three young men accused of the Feb. 21, 1965, assassination of Black Nationalist leader Malcolm X. Dermody spent four and a half hours summing up the evidence against Talmadge Hayer, 24, Norman 3X Butler, 27, and Thomas 15X Johnson, 30. Supreme Court Justice Charles Marks said he expects to spend three hours instructing the jury beginning at 10 a. m. today and the jury then will take the case.

CLIPPING FROM THE

N.Y. Herald Tribune

EDITION Late City

DATE 3/9/66

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Malcolm X Case Going to the Jury

By JOSEPH MANCINI and NANCY SEELY

The case of three men accused of assassinating Black Nationalist leader Malcolm X goes to the jury today after a scheduled three-hour charge by Supreme Court Justice Marks.

The panel includes three women and nine men, three of whom are Negroes. They must decide whether to believe either of the stories they heard from one of the defendants, Talmadge Hayer.

The first time Hayer took the witness stand he denied having had anything to do with the crime. Later, he admitted taking part in the assassination but tried to absolve his co-defendants, Norman 3X Butler and Thomas 15X Johnson.

In his summation Monday, Hayer's attorney, Peter L. F. Sabbatino, called his clients courtroom confession "an act of Christian charity."

"An act of criminal charity," retorted Asst. DA Dermody when he summed up yesterday. "He was buried in a mountain of evidence and was trying now to bail out his two accomplices.

"Don't let this admitted killer, admitted perjurer, pull a fast one on you," he admonished the jurors.

Dermody, whose summation took 4½ hours, asked for a verdict of guilty of first degree murder, charging that the killing was obviously premediated.

"We get the details from one of the participants himself," Dermody said. "It was carefully planned. It was carefully rehearsed"

The prosecution contends that Hayer and Butler created a disturbance in the Audubon Ballroom, 166th St. and Broadway, as Malcolm X addressed a rally of 400 on Feb. 21, 1965. The distrubance diverted the attention of the rostrum guards surrounding Malcolm.

Taking advantage of this, the prosecution charges, Johnson blasted Malcolm with a shotgun and Hayer and Butler then ran to the stage and fired with pistols at the prone figure.

Hayer insisted that the disturbance was created by one unidentified man, the shotgun wielded by another.

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105-8999-10-114

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MALCOLM SLAYING CALLED A 'LESSON'

Prosecutor Charges Killing Was Intended as Warning

By THOMAS BUCKLEY

Malcolm X was publicly assassinated as "an object lesson" to his followers, Assistant District Attorney Vincent J. Dermody declared yesterday.

The prosecutor, summing up in the eight-week trial of the three men accused of the killing, did not, however, attempt to link the murder directly to the national leadership of the Black Muslims.

"We never said we'd prove that Elijah Muhammad ordered this death," he declared "I have been accused of putting the Black Muslims on trial. I submit this is not a fact.

However," he continued, I submit that these three defendants are members of the Black Muslims and that these three defendants caused his death."

Malcolm broke with the Muslims, whose best known spokesman he had become, in March, 1964, and set up the rival Organization of Afro-American Unity and Muslim Mosque, Inc.

From that time until he was riddled in a pistol-and-shotgun attack while addressing a meeting of 400 persons at the Audubon Ballroom on Feb. 21, 1965, he often stated as a certainty that the Muslims would murder him.

Brazenness of Killing Noted

Mr. Dermody contrasted the "brazenness" of the killing with the stealth with which crime is usually carried out — "secretly, quietly, in the dead of night."

"Why was it done in this way?" he asked the Supreme Court jury. "There must have been some reason."

Then, facing the panel of nine men and three women, and underlining his statement with downward thrusts of his right hand, the prosecutor declared:

"Is it abusing your common sense to say that it was an object lesson to Malcolm's followers, telling them that this is what can happen and will happen?"

Mr. Dermody, a member of the District Attorney's office for 25 years and a specialist in murder trials, described Hayer's admission on the witness stand last Monday that he had indeed taken part in the killing but that his co-defendants were innocent as a "futile, desperate gesture."

"He knew he was going down, buried under a mountain of evidence, and he tried at the last moment to do the noble thing," the prosecutor stated, the final phrase ringing with sardonic emphasis.

"Somewhere along the line," he went on, "it was decided, by whom I cannot say, that he was a dead duck and that he should take the fall."

Mr. Dermody, who spoke for 4 hours and 20 minutes, reviewed the testimony of the 36 witnesses presented by the state and 19 who appeared for the defendants.

As to the alibis of Butler and Johnson, who were arrested on Feb. 25 and March 2, that they spent the afternoon of the murder with their families in their Bronx apartments, Mr. Dermody said: "Somebody is lying."

Either it was the two defendants, their wives and two Muslim women who said they spoke to Butler on the telephone at his home at about the time of the killing, the prosecutor stated; or it was the six witnesses who testified that they saw Butler in the ballroom or the four who said they saw Johnson.

The first group had "every reason" to lie, he declared, and the second group none.

The case will go to the jury today, after the charge by Justice Charles Marks.

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FBI — NEW YORK

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FD-350 (Rev. 7-16-63)

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Jury to Weigh Fate Of 3 in Malcolm Trial

A Manhattan Supreme Court jury begins deliberations today in the first degree murder trial of three men accused in the assassination of militant Black Nationalist leader Malcolm X.

Assistant District Attorney Vincent J. Dermody ended the state's case yesterday with an all-day summation of the eight-week old trial. He urged the jury of nine men and three women to convict the defendants of murder in the first degree.

In his methodical summation of some 4,000 pages of testimony by 45 witnesses, Dermody suggested to the jurors that Malcolm, 39, was gunned down in the presence of some 400 followers as an object lesson to the Black Muslim defector's followers.

Malcolm, who was riddled with 19 shots from three weapons, had bolted the Muslim racist religious sect a year before his death and had accused them of being out to get him.

The state contends that Talmadge Hayer, 24, of Paterson, N. J.; Norman 3X Butler, 27, of 651 Rosedale Ave.; and Thomas 15X Johnson, 30, of 932 Bronx Park South, both of the Bronx, infiltrated a Malcolm X-sponsored Black Nationalist rally in the Audubon Ballroom, on Feb. 1965, and executed Malcolm.

(Indicate page, name of newspaper, city and state.)

15 NEW YORK WORLD TELEGRAM & SUN

Date: 3/9/66
Edition: METRO
Author:
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
or
Classification: BU 100-399321
Submitting Office: NYO

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Malcolm Trial: 'Don't Believe the Confession'

The attorney for Talmadge Hayer, 24, a defendant in the Malcolm X murder trial, said his client was not guilty, even though Hayer, on Feb 28, told the jury of nine men and three women he fired bullets from a .45-caliber pistol into Malcolm last year in the Audubon Ballroom. The attorney, Peter L. F. Sabbatino, maintained that Malcolm was the victim of a vast conspiracy that included many of those present at the Audubon rally. Among those he charged as being involved in the conspiracy were Malcolm's security guards, several prosecution witnesses and a part-time reporter for radio station WABC, who was covering the rally.

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N.Y. Trib

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MAR 8 1966
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Paid To Kill, Hayer Reveals

By EVELYN LEOPOLD
(Staff Writer)

New York — Apparently undaunted by a dramatic courtroom confession yesterday, Assistant District Attorney Vincent J. Dermody prepared to pursue his prosecution today of all three men accused of slaying Black Nationalist leader Malcolm X.

In open court yesterday, Talmadge Hayer of Paterson admitted that he and three other men were paid to gun down Malcolm on Feb. 1, 1965. But Hayer steadfastly maintained that Norman 3X Butler and Thomas 15X Johnson, the two men on trial with him, had no part in the crime. Dermody is expected to fight any defense motions to quash the indictments against Butler and Johnson, despite Hayer's confession.

Hayer was equally firm yesterday in refusing to reveal the names of his accomplices. He would implicate only himself:

"I took part in it and I know for a fact they (Butler and Johnson) weren't there," the 24-year-old Paterson man told the 12-member jury.

"I just want the truth to be known that Butler and Johnson had nothing to do with this crime," he persisted. "They are innocent . . . I wanted to tell the jury and the court the truth."

The defendant admitted firing shots into Malcolm's body after the militant Negro leader was felled by a shotgun blast. The slaying of Malcolm, he said, was part of a prearranged plan.

Hayer, who last week testified he had nothing to do with the murder, made his surprise confession during the defense's case for Norman Butler. He was the 39th witness in the 8th week of the trial.

After intense conferences in the smoky Supreme Court corridors, the six defense attorneys rushed into the courtroom and William C. Chance, Butler's lawyer, called Hayer to the stand in behalf of his client.

According to the State, Hayer

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Four Hired To Kill Malcolm, Hayer Says; Won't Give Names

(Continued from Page 1)

and Butler created a disturbance while Johnson used a sawed-off shotgun to fell Malcolm, who was speaking from the stage.

Then, the State claims, Hayer and Butler rushed to the front of the Audubon Ballroom and emptied their revolvers into Malcolm's prone body.

But Hayer told the Court yesterday that one man stayed in the rear to create a disturbance, while he, armed with a 45-caliber automatic, and another armed man sat in the front row.

HAYER CALM

The fourth member of the execution squad, Hayer testified, was on the left front side of the ballroom with a sawed-off shotgun.

After one man created the disturbance, yelling "Get your hand out of my pocket!", Hayer testified the man with the shotgun rushed to the stage and blasted Malcolm.

As Malcolm's guards swarmed into the area of the commotion, Hayer said he and the other man in the front row stood within 10 feet of the bleeding Malcolm and fired.

Hayer delivered his testimony in a calm, firm voice, at times a bit nervous, but in general extremely composed. As he related the circumstances of Malcolm's death, several women, identified as followers of the Nationalist leader, wept openly in the tightly guarded courtroom.

Questioned by Assistant District Attorney Vincent J. Dermody, who interrogated the witness in heated tones, Hayer said he decided to confess yesterday morning after speaking with Butler and Johnson.

"They (Butler and Johnson) told me," he said, " 'it's about time. We were wondering when you were going to do this. . . . tell the truth'."

"Give us the name of the person who created the disturbance," Dermody asked Hayer.

"I can't," was the answer.

"You can't or you will not?"

"I will not."

"How many were involved in the killing?" the prosecutor continued.

"Four," Hayer replied.

"Do you know the names? Give us the names."

"I will not."

Relating to Hayer his earlier testimony where he denied any part in the murder, Dermody asked:

"Do you recall giving us that bogwash under oath?"

"Yes," the defendant answered.

"You lied didn't you?"

"I did . . . It was a story I made up."

"When did you make up that story?"

"When I came to trial for first-degree murder."

While the defendants Butler and Thomas are admitted members of the Muslims, Hayer yesterday again denied any affiliation with the religious sect.

DESCRIBES ASSOCIATES

However, he refused to answer questions relating to a picture taken at a Muslim Mosque 25 in Newark, which purportedly shows him giving karate lessons.

He also refused to divulge any details as to who paid him to kill the Black Nationalist leader.

But Hayer did describe one of his associates as dark, short, and bearded — a description that matches the one given by a defense witness Friday. All the defendants are slim, light-skinned Negroes. And none had beards at the time of their arrest.

Neither Butler nor Johnson have yet testified in their own behalf, although their attorneys contend they will call them to the witness stand.

Both Butler and Johnson are members of Mosque 7 in Harlem, where Malcolm was the minister before he defected 2 years ago to form his rival Organization for Afro-American Unity.

Dermody, exasperated with Hayer's persistant refusal to give any details on his associates, yesterday repeatedly asked Justice Charles Marks to order the witness to answer his questions.

And the Judge told Hayer he would be in contempt of court if he continued to withhold information.

But in practical terms, Hayer had little to lose in remaining silent.

Were he convicted of first-degree murder, a contempt citation would merely add 90 days to a life sentence.

TALMADGE HAYER

Malcolm Trial: 'Don't Believe the Confession'

The attorney for Talmadge Hayer, 24, a defendant in the Malcolm X murder trial, said his client was not guilty, even though Hayer, on Feb 28, told the jury of nine men and three women he fired bullets from a .45-caliber pistol into Malcolm last year in the Audubon Ballroom. The attorney, Peter L. F. Sabbatino, maintained that Malcolm was the victim of a vast conspiracy that included many of those present at the Audubon rally. Among those he charged as being involved in the conspiracy were Malcolm's security guards, several prosecution witnesses and a part-time reporter for radio station WABC, who was covering the rally.

THE "NEW YORK HERALD TRIBUNE" 3/5/66 p2
"NEWS FOOTNOTES"

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THE NEW YORK COURIER Mar. 5, 1966

At Malcom's Trial

Why Did Talmadge Confess?

Last week, Talmadge Hayer, swore to his innocence in the murder of Malcom X. This week during dramatic testimony on the witness stand Talmadge confessed his guilt, and at the same time tried to absolve his co-defendents Norman 3X Butler, and Thomas 15X Johnson.

Today those who have followed the trial closely during the past eight weeks, do not want to know "who killed Malcolm."

The answer to this question

(Continued on Page 2)

Talmadge

(Continued from Page 1)

they are almost sure of, but, why did Talmadge Hayer change his testimony under oath?

It has been explained that Hayer's case is considered to be open and shut in as much as he was caught at the scene of the crime and positively identified. By confessing his guilt Hayer can draw a life sentence in prison and become eligible for parole after serving twenty-six years and eight months. His two co-defendants however could get off scot free.

Only One Caught

In confessing his guilt Hayer steadfastly refused to identify the other assassins, and maintained that neither he, nor they, were members of the Black Muslim Cult. The group most consistently blamed for the assassination. Could it be that Talmadge is protecting the Black Muslims?

It has been made clear by some, that those involved in the assassination would have had an escape route planned. Hayer could not escape because he was caught at the scene. However, why would Johnson and Butler return to their homes and remain there until arrested in March? This remains a mystery.

According to Hayer [redacted] he would not name approached him and three others in February for the purpose of murdering Malcolm X. For this they would receive an undisclosed sum of money.

Under cross-examination Hayer said he had met the other assassins in the Port Authority bus terminal and went with one of them to the Audubon Ballroom. He had been given a .45-caliber automatic pistol and an extra clip of ammunition. He was assured that the gun was loaded.

Another man he said was given a German luger. Hayer said he and the man with the Luger sat in the front row of seats, and the man with the shotgun sat in the fourth row. Another man sat in the rear.

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MEMORIAL MARCH -- A group of marchers move up Lenox Avenue in New York on their way to Audubon Ballroom at 166th Street and Broadway, to attend memorial services for slain Nationalist leader Malcolm X. Malcolm was shot to death last Feb 21, while making a speech in the Ballroom. His accused slayers are now on trial in New York.

Was There Mastermind Behind Malcolm's Death?

NEW YORK CITY—Was there a mastermind behind the assassination last year of Black Nationalist leader Malcolm X? Why didn't the state bring out a motive for the murder during the 37 days in which they put 24 witnesses on the stand?

These are questions uppermost in the minds of spectators this week as the defense brings a parade of witnesses to the stand in an attempt to prove that Thomas Hagan, Norman 3X Butler and Thomas 15X Johnson aren't guilty of killing the late famed and fiery Black Muslim.

Nowhere during the prosecution's case did any of the witnesses, many former associates of Malcolm, delve into a reason or a motive for his murder on Feb. 21, 1965, by three gunmen in full view of 400 spectators in the Audubon ballroom

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Malcolm had been ousted from the Muslims by Elijah Muhammad after he made derogatory remarks about the death of the late President Kennedy. The nearest indication that the Muslims might have been involved in the killing has been the prosecution's pointing to the fact that the accused murder trio were all "active members" of the black supremacy sect. Beyond this, no words were spoken which might have connected them closer with his death or hint of a mastermind ordering it because of Malcolm's revolt and forming of this Organization of Afro-American Unity.

The prosecution seemed to want to avoid introduction of Black Muslim philosophies into the trail, or of inside reasons why the defendants may have wanted to kill Malcolm. He was credited with doing more than any other Muslim to create interest in the movement. The main point the state seemed to want to establish thru the DA's questioning of witnesses was that the trio was in the ballroom and firing pistols and shotguns at Malcolm as he stood at the lectern ready to speak to the audience.

This they did beyond a doubt. Almost everyone of their witnesses pointed the finger of accusation at the defendants as the men they saw behind the guns.

The defense counsels have indicated that they will attempt to prove that two of the defendants, Butler and Johnson, were at home with their wives when El Hajji Malik El Shabazz (Malcolm's Muslim name) was cutdown. Hagan was shot in the leg by one of Malcolm's bodyguards as he attempted to flee, making him the only one of the defendants actually caught, at the scene. Butler and Johnson were apprehended several days after the killing.

While more than 20,000 viewed Malcolm's body before his buried but only 75 paraded through the streets of Harlem last Sunday in a solemn march to commemorate the first anniversary of his death. What had been billed to be a massive turnout proved to be a fizzle.

Missing were all the bigtime names who eulogized him at his funeral, members of the organization which he created, and his wife, Mrs. Betty Shabazz, mother of his six daughters.

Most of the marchers were members of an obscure Harlem group called the Temple Yoruba, who practice voodoo. An onlooker commented that Malcolm, who never associated

DEFENSE SUMS UP IN MALCOLM CASE

Lawyers for Accused Ask Disregard of Muslim Ties

By THOMAS BUCKLEY

Lawyers for Thomas 15X Johnson and Norman 3X Butler yesterday asked a Supreme Court jury not to convict the two defendants of the murder of Malcolm X merely because of their membership in the Black Muslims.

Both William C. Chance, who summed up for Butler, and Charles T. Beavers, who spoke for Johnson, said that the prosecution had tried to put the Muslims and their beliefs on trial.

Peter L. F. Sabbatino, counsel for Talmadge Hayer, who confessed his complicity in the murder from the witness stand on Feb. 28 and tried to absolve his co-defendants, asked the jury, in the course of an impassioned two and a half hour summation, to disregard the confession.

"There was no reason for this lad to do what he did except a high sense of Christian charity," said Mr. Sabbatino.

"The theory of the people's case that the motive for killing Malcolm X was because he left the Black Muslim movement is totally absurd," said Mr. Chance during his hour and 40 minute address.

Cites Malcolm's Suspension

Striding in front of the jury box, the jacket and vest of his black suit unbuttoned, Mr. Chance declared that Malcolm had already been punished by suspension from his ministerial duties in the cult in December, 1963, assertedly for expressing pleasure at the assassination of President Kennedy.

When Malcolm broke with the Muslims the following March, the attorney went on, his deep voice rising to a shout, "a step he took "of his own free will."

Mr. Chance asked the jury to "exclude" the testimony of Cary Thomas, a key prosecution witness, because he "suffered from an impaired mentality." As he spoke he waved a grey-jacketed records folder from the Bellevue Hospital psychiatric division, where Thomas, who followed Malcolm out of the Muslims, was treated for the delusion that he killed Christ.

Mr. Chance also sought to cast doubt on the credibility of other prosecution witnesses, noting their criminal records in some instances, or their advanced age, poor vision or assertedly defective memory.

Religious Charter

In closing, he asked the panel of nine men and three women, to remember that the Muslims were chartered as a religious organization in New York State and were entitled to the same consideration as Protestants, Catholics or Jews.

Mr. Beavers accused the prosecution of attempting to prejudice the jury against the defendants by injecting the name of Cassius Clay, the heavyweight champion, into the trial. Johnson denied on cross-examination on Friday that he had ever acted as a bodyguard for Clay, who took the name Muhammad Ali when he joined the Muslims.

Speaking for Hayer, Mr. Sabbatino developed the theory that dissident members of the organization of Afro-American Unity, which Malcolm established after his break with the Muslims, were responsible for his murder.

"And the arch-boss of this conspiracy," shouted the gray-haired, 74-year-old lawyer."

Fraqcis, Malcolm's chief bodyguard, is accused of shooting Hayer in the left thigh as he fled from the ballroom.

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Malcolm Testimony Ends; Clay in Record

By James W. Sullivan
Of The Herald Tribune Staff

The defense and the prosecution rested yesterday in the trial of three men accused of the murder of Malcolm X, but not before the name of heavyweight champion Cassius Clay had been dropped into the 3,600-page record.

The heavyweight's name was brought up by Assistant District Attorney Vincent J. Dermody, who, in cross-examining Thomas 15X Johnson, 30, one of the defendants, asked him if he knew Cassius Clay "or Muhammad Ali."

Johnson replied that he did and that he had met him, but denied that he ever served as his bodyguard in New York.

"Did you ever have a picture taken with him?" asked Mr. Dermody.

"Yes, sir," said Johnson.

There were immediate objections, with Johnson's attorney, Charles T. Beavers, asking what that had to do with the issues on trial, and William C. Chance, attorney for Norman 3X Butler, 27, demanding a mistrial.

Mr. Chance said he did not want the defense "burdened" with Clay's name, "especially under the pressure of the war question."

"This is prejudicial to the whole trial because of the light in which Cassius Clay or Muhammad Ali has been cast," he said.

Peter L. F. Sabbatino, attorney for Talmadge Hayer, 24, objected when Supreme Court Justice Charles T. Marks called the remarks "stuff" and refused the motion.

"Then I'll call it nonsense," snapped Justice Marks.

Mr. Dermody never attempted to enter a picture of Johnson, a lieutenant in Muslim Mosque No. 7, into evidence.

Mr. Clay has been subjected to widespread criticism since he decided to appeal his 1-A classification in the draft because of his convictions as a Muslim.

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In yesterday's cross-examination, Johnson contradicted statements made by himself and his wife Thursday.

He had said Thursday that he had never handled a rifle in his life. Yesterday, he admitted that police had taken a rifle from his apartment before Malcolm was killed in the Audubon Ballroom, pleading that he hadn't understood the question.

He also said that his wife "must have been confused" when she testified that a neighbor had visited him just as they heard the news of Malcolm's assassination on their apartment radio. He said that the neighbor's husband had visited them first and that the woman had come later.

Police seized the rifle in Johnson's Bronx apartment after he was arrested with others and charged with shooting a Corrections Department officer who had defected from the Muslims and set up a rival mosque. He still is under indictment for that shooting, but denied yesterday that he had participated in it.

Under questioning, he said he had bought the rifle while his family was being supported by welfare payments.

The trial began Jan. 12 and the first testimony was taken Jan. 21. The prosecution presented 26 witnesses and the defense presented 19. There were a total of 183 exhibits, 166 for the defense and 166 for the state, including the sawed-off shotgun and the .45-caliber automatic pistol used when Malcolm was assassinated Feb. 21, 1965.

Justice Marks ordered defense attorneys to begin their summations at 9:30 a. m. Monday. All the attorneys asked for directed verdicts of not guilty, including Mr. Sabbatino. All were denied. The jury of nine men and three women is expected to get the case Wednesday. Justice Marks said he will take a full day to instruct them.

TESTIMONY IS ENDED IN MALCOLM X CASE

Testimony was completed yesterday in the trial of the three men accused of killing Malcolm X. Separate summations for each defendant will begin at 9:30 A.M. Monday in Supreme Court and Justice Charles Marks said, after his charge, he had expected the case to go to the jury on Thursday.

The final day saw the name of Cassius Clay added to the voluminous record. Assistant District Attorney Vincent J. Dermody asked one of the defendants, Thomas 15X Johnson, whether he had ever acted as a bodyguard for the heavyweight champion.

Johnson, who like Clay is a member of the Black Muslims, said that he had not, but acknowledged having had his picture taken with the champion, who prefers his Muslim name of Muhammad Ali.

The posing of the question brought a demand for a mistrial from William C. Chance, who represents another of the defendants, Norman 2X Butler. Mr. Chance stated that it was "prejudicial because of the light in which Clay has been cast." His application was refused by Justice Marks.

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JURY HEARS AN ALIBI IN MALCOLM MURDER

Thomas 15X Johnson told a Supreme Court jury yesterday that he was spending a quiet Sunday at home, doing chores for his pregnant wife, when Malcolm X was slain.

The husky, 30-year-old defendant was the last of the three men accused of the killing to take the witness stand. He was preceded by Talmadge Hayer, 24, who admitted his guilt while attempting to absolve his co-defendants, and Norman 3X Butler, 27.

Johnson, a member of the Black Muslims, said that on Feb. 21, 1965, the day of Malcolm's murder at the Audubon Ballroom, he arose at 5 A.M. in his Bronx apartment with his wife for Islamic prayers.

"My wife went back to bed and I read from the Holy Koran for an hour or so," he said. "I fed the children and I started cleaning and vacuuming the house."

He first learned of the killing, he said, when a Muslim couple came to the apartment at about 4 P.M.

Under gross-examination, Johnson said he had been a heroin addict for 10 years before joining the Muslims in 1962, supporting his $10 to $15-a-day habit by running policy slips and acting as a lookout for gamblers. He also acknowledged a criminal record that includes five convictions between 195 and 1961.

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Witness Returns At Malcolm Trial

Thomas 15X Johnson undergoes a second day of cross-examination today in the Malcolm X trial in Supreme Court.

Under cross-examination yesterday by prosecutor Vincent J. Dermody, Johnson maintained steadfastly that he was at home with his wife and children all day Feb. 21, 1965, when Malcolm X was shot to death in the Audubon Ballroom at 166th St. and Broadway.

Johnson, accused of participating in the killing with co-defendants Norman 3X Butler and Talmadge Hayer, is an admitted ex-convict and former narcotics addict who insisted he had never been in the ballroom "in my life."

Although several witnesses identified him as the man who wielded a sawed-off shotgun against Malcolm X on the day of the killing, Johnson declared, "I never handled a gun at any time in my life."

Hayer confessed Monday on the witness stand that he was one of several men hired to execute Malcolm but denied that Butler and Johnson were his accomplices.

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12 NEW YORK WORLD TELEGRAM & SUN

Date: 3/4/66
Edition: METRO
Author:
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
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Submitting Office: NYO

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Defendant in Malcolm Murder Was Home Feeding Children

Robert 15X Johnson denied under oath yesterday that he had ever been in the Audubon Ballroom, where Black Nationalist leader Malcolm X was assassinated Feb. 21, 1965.

Johnson, 30, one of three men accused of the shotgun-and-pistol murder, took the witness stand in his own defense on the first anniversary of his arrest for the murder. The case is being heard by a jury of nine men and three women in the court of Supreme Court Justice Charles Marks.

Johnson testified that he remained in his Bronx apartment, clad in pajamas, until evening on the Sunday when he is alleged to have fired a shotgun into Malcolm. He said he spent the day feeding his three children and doing housework while his pregnant wife rested.

When his wife, Etta X, testified Wednesday, she said a woman neighbor had brought the news of the assassination to her and her husband shortly after 3:30 p.m.

However, the neighbor, Muriel X Long, testified yesterday that she couldn't have arrived before 5 p.m. because she had worked in Manhattan until 4:30 p.m.

Johnson will continue under cross-examination today.

The other two defendants, Talmadge Hayer, 24, and Norman 3X Butler, 27, already have testified in their own defense. Hayer later returned to the stand to admit he participated in the murder and deny that the other two were involved.

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AN ORDER TO KILL MALCOLM HINTED

Prosecutor Tells of Muslim Official's Presence Here

By THOMAS BUCKLEY

For the first time in the seven-week trial of the three men accused of the murder of Malcolm X, the prosecution suggested yesterday that the killing had been ordered by the national headquarters of the Black Muslims.

During cross-examination of one of the defendants, Norman 3X Butler, Assistant District Attorney Vincent J. Dermody said, in posing a question, that John Ali, the Muslims' national secretary, had checked into a hotel here on Feb. 19, 1965, and left on the evening of Feb. 21.

It was on the afternoon of Feb. 21 that Malcolm was slain in a pistol-and-shotgun attack while addressing a meeting at the Audubon Ballroom, 166th Street and Broadway.

Set Up Own Group

Once the major spokesman for Elijah Muhammad, the leader of the Muslims, Malcolm had been "suspended" in December, 1964, ostensibly for expressing pleasure at the assassination of President Kennedy. The following March he left the Muslims and set up his own organization.

The 27-year-old Butler denied knowing of Mr. Ali's visit. He also denied conferring with him and with the leader of the Fruit of Islam security guard at the Muslims' Mosque No. 7 in Harlem on Feb. 19.

Butler was an argumentative and combative witness during his nearly three hours of examination by the prosecutor. He was warned three times by Supreme Court Justice Charles Marks that the justice would instruct the jury in his charge that the manner in which the defendant was testifying would have a bearing on its credibility.

The prosecution sought in the recall of a witness, to bolster its contention that Butler, a lieutenant in the Fruit of Islam, and his co-defendant, Talmadge Hayer, 24, and Thomas 15X Johnson, 30, were strong-arm men for the Muslims.

An Enforcement Squad

The witness, a former member of both the Muslims and Malcolm's organization of Afro-American Unity, was Charles 36X Morris, who wears a graying goatee, a gold stickpin in his necktie and describes himself as "a door-to-door lecturer." He testified under cross-examination that Butler and Johnson were members of a 100-man enforcement squad at the mosque.

"What were the duties of this squad?" asked Mr. Dermody.

"To see that the policy of the organization was kept in force," the witness replied.

"And if they did not keep the policy?"

"They would check them out."

"What do you mean by that?" the prosecutor asked.

"By making visits to their homes," the witness said.

"Would they resort to violence?"

After a pause, Mr. Morris replied: "In some cases they would shake them up a little bit."

Mrs. Etta X. Johnson took the stand later in the day to assert that her husband was lolling around their apartment in Bronx Park South in his pajamas when the murder took place.

With them at the time, she said, were their four small children—a fifth was born after Johnson's arrest—his mother and a Muslim couple who had dropped by for a visit.

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He Insists Another 3 Helped Kill Malcolm

The 22-year-old defendant who stunned a Supreme Court jury Monday with his confession of killing Black Nationalist leader Malcolm X, stuck stubbornly to his story yesterday despite a scathing cross-examination.

Talmadge Hayer insisted that he and three other men killed Malcolm as he was about to speak in the Audubon Ballroom on Feb. 21, 1965, but maintained that his two co-defendants were not among the assassins.

Assistant District Attorney Vincent J. Dermody, the prosecutor, suggested that Hayer had been ordered to confess the crime in order to clear his accused accomplices, Norman 3X Butler, 26, and Thomas 15X Johnson, 30.

But Hayer wouldn't budge from Monday's confession, insisting that he and the other three men were hired to commit the crime, but refusing to identify his accomplices.

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MALCOLM WITNESS CLAIMS INNOCENCE

Butler Says He Was Home When Slaying Took Place

By THOMAS BUCKLEY

Norman 3X Butler, one of the three men on trial for the murder of Malcolm X, swore yesterday that he was lying down in his Bronx apartment, nursing an infected leg, when the slaying took place.

"Did you have anything to do with, or have any knowledge of, the assassination of Malcolm X?" asked his lawyer, William C. Chance.

From the witness stand, the tall, broad-shouldered, 27-year-old defendant replied, "Emphatically no."

Butler, Talmadge Hayer, 34, and Thomas 15X Johnson are charged with first-degree murder in the shotgun-and-pistol killing of the Negro leader on Feb. 21, 1965, at the Audubon Ballroom.

On Monday, Hayer, who the week before had proclaimed his innocence, returned to the stand to state that he had committed the murder with three accomplices, whom he would not name. At the same time he asserted that Butler and Johnson had had no part in the killing.

Asked if he had ever met Hayer, Butler replied, "Never in my life."

Under cross-examination by Assistant District Attorney Vincent J. Dermody, Butler acknowledged that he was a lieutenant in the Fruit of Islam, the paramilitary branch of the Black Muslims.

The witness, the father of four young children, said he joined the organization's Mosque No. 7 in Harlem in March, 1963, a few months after completing the second of two hitches, totaling five years, in the Navy.

Butler, articulate and composed, clashed repeatedly with the prosecutor.

Disdaining the Bible used in administering the oath, Butler also told Mr. Dermody that he had answered to the name of Butler only because it was given in the indictment.

"Part of that name is mine and part of it is yours," he said, referring to the Muslim belief that the last names borne by Negroes in this country are an ignoble heritage of slavery.

Like other members of the organization, he raised objections to the use of the term "Black Muslim."

"I am a member of the Nation of Islam," he said.

And when Mr. Dermody, frustrated by a series of interruptions and unresponsive answers, raised his voice in putting a question, Butler said quietly, "Have you any reason to shout at me?"

The prosecutor replied sharply, "If you have any complaints, speak to the judge."

Although he said he was prepared to carry out "lawful orders by his superiors in the organization, Butler stated that violence, except in cases of absolute necessity, was ruled out.

For that reason, he said sardonically, he had not carried a cane to assist him in getting about on his inflamed leg. "That might be construed as a weapon," he said. "I wanted to avoid suspicion."

Butler said he had once su-

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changed a few words with Malcolm, who was the minister of Mosque No. 7 until his suspension in December, 1963, but that he had paid little attention to Malcolm's activities after the Negro leader formally broke with the Black Muslims the following March.

The witness acknowledged that he had heard Malcolm later denounced as "a hypocrite" by speakers in the mosque, but denied that he had ever heard anyone state that he ought to be killed.

Earlier, Dr. Kenneth Seslove of Jacobi Hospital testified that he had treated Butler for "a superficial thrombophlebitis," an inflammation of the veins of the right leg, at the hospital's emergency room on the morning of the killing.

"I gave him bandages and a shot of penicillin and told him to keep the leg elevated," the physician said.

Butler declared that he had returned home by 1 P.M. and that a radio bulletin and two telephone calls two hours later were his first word of the killing. On Monday, two women members of the Muslims swore that Butler had answered the phone when they called to pass on the news.

Malcolm Murder

Suspect Offers Alibi

By James W. Sullivan
Of The Herald Tribune Staff

Norman 3X Butler, 27, one of three men charged in the murder of the Black Nationalist leader Malcolm X last year, took the stand in his own defense yesterday and contradicted a doctor called earlier by his defense.

The testimony was intended to prove not only that Butler didn't participate in the murder on Feb. 21, 1965, but also that he wasn't able to.

Dr. Kenneth Sealow, of Jacobi Hospital in the Bronx, had testified that Butler came to the hospital on the morning of Feb. 21, 1965, for treatment of a leg ailment that he diagnosed as superficial thrombophlebitis, an infection of superficial veins in the leg.

Dr. Sealow said that he was the only doctor to see Butler in the hospital, that the patient walked without difficulty and without limping, that the right leg had the difficulty, and that he noticed no discoloration or swelling in the left leg.

Butler, in an afternoon appearance on the stand, said that his right ankle was so swollen he could hardly put a shoe on that foot, that the left leg was swollen, that he "hobbled" when he walked, and that he was examined by six doctors, one of whom spoke of admitting him to the hospital.

Butler is on trial with Talmadge Hayer, 24, and Thomas 15X Johnson, 30, for the shotgun-pistol murder of Malcolm at the Audubon Ballroom during a rally of

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the afternoon of the day he visited the hospital. The case is being heard by Supreme Court Justice Charles Marks and a jury of nine men and three women.

Hayer returned to the stand yesterday for continued cross-examination after his dramatic confession in the court Monday that he had participated in Malcolm's murder.

Hammering questions from Assistant District Attorney Vincent J. Dermody failed to shake his claim that Butler and Johnson were not involved in the murder or to produce the names of the three other men he claimed were involved.

At one point, when Mr. Dermody appealed to Justice Marks to direct the witness to answer, the judge said he was considering each refusal a separate act of contempt to be dealt with after the trial.

After the warning, Hayer answered a larger percentage of the questions, but still responded with "I won't say" to 10 questions involving the Black Muslims (of which he denies he is a member), the plans for a getaway from the assassination scene, the names of his accomplices and how much money he was to be paid for the murder.

He emphatically denied Mr. Dermody's contention that he wouldn't name the other assassins because they were Butler and Johnson.

Butler was an emphatic witness under direct examination by his attorney, William Chance, and a hostile, fencing witness quibbling over interpretation of words in his cross-examination by Mr. Dermody.

He answered "emphatically no" when Mr. Chance asked him if he was in the Audubon Ballroom on Feb. 21, 1965; "positively not" to a question whether he had met with anyone concerning the assassination and "emphatically not" when asked if he had anything to do with or any knowledge of, the plot to assassinate Malcolm.

He denied to Mr. Dermody that he had led a group of Muslims called "the doom squad" and that he was involved with Johnson and other Muslims in the shooting of a Corrections officer who had broken away from the Muslims and formed his own mosque shortly before Malcolm was killed.

Butler said Johnson had been his superior in the Mosque No. 7 for a while and that he took orders from Johnson, Capt. Joseph and the minister of the mosque.

He said he had visited the Muslim's Shabazz Restaurant in Harlem after leaving the hospital, had arrived home shortly before 1 p. m. and had been informed of the assassination when his wife learned of it by telephone.

When Mr. Dermody referred to him as a Black Muslim, Butler said, "Pardon me, I'm not a member of the Black Muslims."

There was a muttered "yay" in the audience as he said he was a member of the Nation of Islam.

"You wouldn't refer to a pear as an apple," he told Mr. Dermody. "We are taught to do things in a correct way at all times."

He will continue under cross-examination today.

Witness Names Defendants

Two Labeled 'Enforcers' At Malcolm Slaying Trial

By James W. Sullivan
Of The Herald Tribune Staff

Norman 3X Butler, 27, and Thomas 15X Johnson, 30, two of the three men accused of assassinating Malcolm X last year, were members of a hundred - man "enforcement squad" in the Black Muslims' Mosque No. 7 in Harlem, a defense witness testified yesterday.

Charles Morris, a former lieutenant to Malcolm before and after the Black Nationalist leader left the Mosque and founded two rival groups, testified that the squad saw that "the policy of the organization was kept enforced."

When assistant District Attorney Vincent Dermody asked him if the squad ever used violence against members, he answered:

"In some cases, they would shake them up a little."

Appearing in his own defense Tuesday, Butler denied that he was a Muslim "enforcer" and added "that was something the newspapers made up."

Still under cross-examination yesterday, Butler continued to maintain that he was at his Bronx apartment with his wife and children when Malcolm was killed, in the Audubon Ballroom, on Feb. 21, 1965.

Talmadge Hayer, 26, the third man accused of the murder, confessed on the

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witness stand Monday that he was involved with others and maintained that Butler and Johnson were not involved in any way. Hayer refused to name his accomplices.

Butler said yesterday he first heard Hayer had participated in the murder when he confessed it in court, but said also that Hayer had told him some time earlier that he knew Butler and Johnson were not involved.

Mr. Dermody, who has not introduced evidence about a motive, appeared yesterday to be attempting to link the Black Muslims to the murder.

He asked Butler if he had met in the Shabazz Restaurant in Harlem with Capt. Joseph of Mosque No. 7 and John Ali, national secretary of the Muslims, on Feb. 19, 1965. Butler denied it.

Mr. Dermody then asked him if he knew that John Ali was registered at the Americana Hotel from Feb. 19 to Feb. 21, 1965, and flew back to Chicago, where Elijah Muhammad has his headquarters, after Malcolm's murder. Butler denied that, also.

Mr. Morris, who testified for the defense last week, was called by Butler's attorney, William C. Chance, and asked about the security guard at the rally at which Malcolm was murdered. When Mr. Dermody objected that the questions had already been asked, he was released for cross-examination.

Johnson's defense opened with his wife, Etta X Johnson, testifying that he was at their apartment in the Bronx all during the day of the murder and did not even dress until he went out for ice cream in the evening.

Under cross-examination, she admitted that police had taken a gun from their apartment several weeks before the murder.

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Quiz Hayer Again on Malcolm Killing

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3 NEW YORK WORLD TELEGRAM & SUN

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Edition: METRO
Author:
Editor: RICHARD D. PETERS
Title: MALCOLM LITTLE

Character: SM-NOI
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Classification: BU 100-399321
Submitting Office: NYO

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Talmadge Hayer, who has confessed he was one of the assassins of Malcolm X, returns to the witness stand today for more intensive questioning in the murder of the Black Nationalist leader.

It was Hayer, 24, who admitted from the stand yesterday that he pumped "about four shots" into Malcolm. He insisted that his two co-defendants, Norman 3X Butler, and Thomas 15X Johnson, 30, had nothing to do with the killing.

From the hour-long cross examination of Hayer following his confession, it appeared today that the prosecution would continue its efforts to convict all three defendants, despite Hayer's insistence that Butler and Johnson were innocent.

"I just want to testify that Butler and Johnson had nothing to do with it," Hayer said. "I was there. I know what happened and I know the people who were there."

Hayer said he decided to "tell the truth" after conferring with the other two defendants. He said the testimony he had given before the confession was "all lies."

Hayer said he was "hired" to take part in the assassination in the Audubon Ballroom last Feb. 21, but would not say who hired him or who his accomplices were.

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The Malcolm X Puzzle: Who Planned the Killing?

By JOSEPH MANCINI

Who engineered the assassination of Malcolm X?

That and other questions remained today as the man who confessed to the killing from the witness stand—but who told told the stunned court room his co-defendants had nothing to do with it—returns for a second round of cross-examination.

Calmly and without apparent remorse, Talmadge Hayer, 24, yesterday admitted firing "at least four" bullets into the prone body of the Black Nationalist leader in the Audubon Ballroom, 166th St. and Broadway, on Feb. 21, 1965. But he added: "I just want the truth to be known—that Butler and Johnson didn't have anything to do with this crime. Because I was there. I know what happened and I know the people who were there."

Killed for Pay, He Says

He referred to co-defendants Norman 3X Butler and Thomas 15X Johnson.

Under cross-examination by Asst. DA Dermody, Hayer told the Supreme Court jury that he had no personal reason to kill Malcolm but was hired to do so for cash. He said he never received payment and refused to disclose the amount of money involved.

He steadfastly refused to identify either his confederates in the ballroom or the person who allegedly hired him, leaving unanswered the question of motive.

The prosecution has never claimed that the assassination was the result of a Black Muslim plot to take revenge on Malcolm for splitting with the group. But, in his opening statement, Dermody vowed he would show that all three defendants were "active members of the Black Muslim sect."

Denies He's a Muslim

Hayer still denies that he ever was a Muslim and also claims that the person who hired him was not. Butler and Johnson have never denied membership in the group.

Defense attorneys have hinted that the murder may have been the result of dissension in Malcolm's own group, the Organization of Afro-American Unity.

The prosecution contends that Hayer and Butler created a confusion in the ballroom as Malcolm began to address the rally of 400 supporters and that Johnson took advantage of this diversion to blast the Negro leader with a shotgun. Then Hayer and Butler allegedly ran to the stage and fired pistols at the prone Malcolm.

According to Hayer's version, a fourth confederate created the disturbance as Hayer, armed with a 45-caliber automatic and another man with a German luger were stationed in the first row. In the fourth row, Hayer said, was the man with the shotgun. "He was dark-skinned, husky and had a beard," Hayer told the court.

"You're sworn to tell the whole truth, Mr. Hayer," Dermody prodded him. "Why don't you tell us the name?"

"I will not," Hayer answered.

The lengthy trial, now in its 33d day, is expected to reach the jury by the end of the week.

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Admits Killing Malcolm X

By James W. Sullivan
Of The Herald Tribune Staff

Talmadge Hayer, one of the three men on trial in the slaying of Malcom X, startled the courtroom yesterday with a confession that he had participated in the killing of the Black Nationalist leader for money he had never received.

But the 24-year-old New Jersey man, who also admitted he had lied under oath in a previous appearance, stoutly insisted that his co-defendants, Norman 3X Butler, 26, and Thomas 15X Johnson, 30, had nothing to do with the murder.

Hayer said first that four other men were involved with him in the murder in the Audubon Ballroom on Feb. 21, 1965, then later said there were three others.

He steadfastly refused to identify the other assassins and as steadfastly maintained that neither he nor they were members of the Black Muslims, the group which has been blamed most consistently for causing the assassination.

The young man's confession came at 3:41 p. m. almost an hour and a half after Supreme Court Justice Charles Marks had scheduled the afternoon session to begin and 37 minutes after Butler's attorney, William C. Chanle, had called Hayer to the stand.

It obviously did not convince Assistant District Attorney Vincent J. Dermody, whose questions on cross-examination indicated he considered the confession a desperate attempt to save Butler and Johnson.

Mr. Dermody has produced substantially more evidence against Hayer than against the other two, including witnesses who testified that they saw him shooting a pistol into

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[illegible]-body, running from the ballroom firing the pistol [illegible]head of him, being shot by a bodyguard and running to the stairway.

In addition, Hayer was caught outside the ballroom by Malcolm's followers and thoroughly beaten before police were able to rescue him.

TURNING POINT

Hayer's testimony, when finally given after an hour of conferences between attorneys for the three defendants and then 35 minutes of conference between Hayer and his attorney, Peter L. F. Sabbatino, was that he had talked in the bullpen with the other two defendants and:

"I told Butler and Johnson I knew they didn't have anything to do with the crime committed in the Audubon Ballroom on Feb. 21, 1965—that I was involved in it and that I know they weren't there. I wanted to tell the jury and the court the truth."

Under questioning by Mr. Chance and cross-examination by Mr. Dermody, Hayer refused to name the others involved with him.

"I just want to testify that Butler and Johnson had nothing to do with this," he said. "I was there, I know what happened and I know the people who were there."

The confession brought no reaction in the nearly filled courtroom except a deepened silence among the Black Nationalists, Black Muslims and former followers of Malcolm who have faithfully attended the trial daily throughout its seven weeks.

The silence was broken once when one woman muttered to a neighbor an explanation of why Hayer would not name the other assassins: "He's trying to protect his family."

THEORY

Mr. Dermody had another theory which he expounded in his questions: that Hayer would not name the other men because they were Butler and Johnson.

Under cross-examination, Hayer said he had met the other assassins in the Port Authority's George Washington Bridge Bus Terminal and went with one of them to the Audubon Ballroom. He had been given a .45-caliber automatic pistol and an extra clip of ammunition, and was assured that the gun was loaded, he said. Another man had been given a German Luger.

Hayer said he and the man with the Luger sat in the front row of seats, the man with the shotgun sat in the fourth row, and a fourth conspirator sat in the rear. The man in the rear rose and shouted to a man next to him, "Get your hand out of my pocket," he said; the two bodyguards at the stage ran to the disturbance; the man with the shotgun fired it into Malcolm and then Hayer and the man with the Luger fired their guns into Malcolm.

Hayer said someone whom he would not name had approached him in early February and asked him and others to kill Malcolm, but he would not name the persons and, rather oddly, denied that he had received orders or instructions from him. When Mr. Dermody asked him why he had agreed, he answered:

"I . . . uh . . . was offered money for doing this from people who probably would have been revealed if Mr. Williams had been successful in continuing his interrogation."

Mr. Williams apparently was Joseph Williams, co-counsel for Butler, but there was no further explanation of the statement.

Hayer said he had not received any money and refused to say how much he was offered.

DENIAL

He told Mr. Dermody he was not a Black Muslim on Feb. 21, 1965, and denied that he ever was a member of Mosque No. 25 in Newark. He also continued to deny that he appeared in two pictures of young Negroes in kimonos which have been admitted into evidence.

Hayer had testified in his own defense last week that he went to the ballroom out of curiosity, went to the men's room as soon as he arrived and found a loaded clip for a pistol there. Police later found the clip in his pocket.

When the shooting started, he said, he ran out of the room from fear, felt his leg go numb slid down the bannister, crawled out the door and was assailed by Malcolm's followers.

"Do you recall giving us that hogwash?" asked Mr. Dermody.

"I do," Hayer answered.

"You lied under oath, didn't you?"

"Yes, sir."

Hayer said the group had rehearsed the assassination, but refused to say where it was rehearsed or whether it was in the Audubon Ballroom.

He is scheduled for more cross-examination today.

Talmadge Hayer, in hospital after killing of Malcolm X. Hayer was wounded in leg fellowing shooting of Malcolm.

Defendant Admits Malcolm X Slaying

By LESTER ABELMAN

In a dramatic courtroom scene, Talmadge Hayer, 24, one of three men on trial for the assassination of Black Nationalist leader Malcolm X, confessed yesterday that he participated in the killing.

He told Supreme Court Justice Charles Marks and a jury that his co-defendants, Norman 3X Butler, 26, and Thomas 15X Johnson, 30, "did not have anything to do with the crime."

Reverses Testimony

Only last Wednesday, Hayer, known also as Thomas Hagan, swore he was innocent of any participation in the fatal shooting of Malcolm X on Feb. 21, 1965, in the Audubon Ballroom, 166th St. and Broadway.

Yesterday he announced to judge and jury that he wanted to "tell the truth."

Hayer admitted he "did take part" in the assassination with others but refused to name his confederates. He said he had spoken with Butler and Johnson during a luncheon recess. He told the court:

"I told Butler and Johnson I know they did not have anything to do with this crime—that I did take part in it and that I know they weren't there. I wanted to tell the jury and the court the truth."

Hayer was called as a witness by William [illegible] Chance, Butler's

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attorney, after a series of conferences at the bench and in court anterooms among the judge and attorneys.

Chance asked Hayer: "Were you alone in this involvement?"

"No sir," Hayer replied.

"Do you know the names of the others who took part in the killing?" Chance continued.

Refuses to Name Men

Hayer said he knew the men, but would not name them.

"I just want to testify that Butler and Johnson had nothing to do with this," he added. "I was there, I know what happened and I know the people who were there."

Before Hayer made his confes-

and tried to exonerate his co-defendants, two defense witnesses placed Butler in his home at 661 Rosedale Ave., Bronx, at the time of Malcolm's slaying.

Tells of Phone Call

Mrs. Gloria 11X Wills, of 525 Rosedale Ave., Bronx, said she telephoned Butler's home shortly after she heard Malcolm had been killed. She said Butler answered the phone and that she asked if she could speak with his wife, Theresa 7X.

Mrs. Juanita 8X Gibbs, of 730 Metcalf Ave., Bronx, also testified that when she called the Butler home on Feb. 21, 1965, shortly after 3 P.M., about the time Malcolm was killed, Butler answered the phone.

Defendant Admits Killing Malcolm X

Talmadge Hayer, who last week swore to his innocence in the murder of Malcolm X, returned to the witness stand yesterday and confessed his guilt. At the same time he tried to absolve his co-defendants, Norman 3X Butler and Thomas 15X Johnson.

"I just want to testify that Butler and Johnson had nothing to do with it," he stated. "I was there. I know what happened and I know the people who were there."

The slender, 24-year-old Hayer was recalled to the stand by Butler's lawyer, William C. Chance, for the dramatic disclosure.

It came, amid a buzz of speculation, after the start of the

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afternoon session of the trial in Supreme Court had been delayed for more than an hour.

Hayer said he decided "to tell the truth" after brief conversations with Butler and Johnson in the "bullpen" outside the courtroom.

He clung to his story under biting cross-examination by Assistant District Attorney Vincent J. Dermody.

"What did they say when you told them that?" the prosecutor asked.

"They said it was about time," Hayer quoted them as saying. "We wondered when you were going to do this."

However, in giving his new account of the crime, Hayer refused to provide specific information. He said he had had three accomplices, but he declined to name them.

He said he had been approached early in the month of the murder and offered money to do the job, but he declined to say by whom and how much.

One thing he did know, he said, was that no one involved in the murder was a member of the Black Muslims.

Malcolm, once the leading spokesman for the Muslims and the minister of its Mosque No. 7 in Harlem, broke with them in March, 1964. Many times in the months that followed, he said, he had been marked for death by the black-supremacy cult.

Butler and Johnson are admitted members of the Fruit of Islam, the Muslims' paramilitary auxiliary. The prosecution contends that Hayer, who is also known as Thomas Hagan, is also a member of the Muslims. Last week it introduced photographs showing him taking part in a [illegible] demonstration at Mosque No. 25 in Newark.

The defendant, who wore a dark gray suit, white shirt and blue-and-white polka dot necktie, admitted firing the .45-caliber pistol that was found outside the ballroom. A spare clip containing four cartridges was found in his pocket when he was arrested.

"How many times did you fire it?" asked Mr. Dermody.

"About four times."

"You fired right into the body?"

"I did," Hayer replied.

Throughout his driving cross-examination, which will be resumed at 10:30 this morning, Mr. Dermody attempted to show the jury of nine men and three women that Hayer, having decided that he would be convicted in any case, was now attempting to save his confederates.

Hayer's testimony made it certain that he would be convicted of first-degree murder. Since the abolition of the death penalty, except for the murder of a policeman or prison guard, the crime carries a mandatory life sentence, of which a minimum of 30 years 8 months must be served to be eligible for parole.

Again and again, Mr. Dermody hammered on the fact that Hayer had admitted lying under oath last week when he denied any connection with the crime and was now violating his oath by refusing to reveal "the whole truth."

"Isn't the reason," the prosecutor said, his voice rising to a shout in the silent, crowded courtroom, "that if you told the whole truth you'd have to say it was Johnson who held the shotgun and Butler who fired the pistol."

"No, sir. It's not true," Hayer replied without emotion.

In turn, Hayer insisted several times, in remarks that Justice Charles Marks ordered stricken from the record, that "the only reason" he had changed his testimony was to protect two innocent men.

Hayer, who lives in Paterson, N. J., was wounded in the left thigh, assertedly by one of Malcolm's bodyguards, as he fled from the ballroom after the killing, and was taken into custody while he was being beaten by an excited mob of Malcolm's followers.

Seven witnesses identified him as being in the ballroom and three of them testified to seeing him with a pistol in his hand firing at the Negro leader. Furthermore, his thumbprint was found on a piece of film in a smoke-making device that was ignited as a diversion moments before the shooting.

Butler, 28, and Johnson, 30, were picked up last year at their Bronx homes in the first week in March. There is virtually no physical evidence linking them to the crime and there were fewer identifications of them from the witness box [illegible]

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